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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1949 C. C. C. Hay and Pasture Grass Seed Bulletin 1, Revised]

PART 659—SEEDS

SUBPART—1949 HAY AND PASTURE GRASS SEED PURCHASE AGREEMENT PROGRAM

1949—CROP HAY AND PASTURE GRASS SEED PRICE SUPPORT BULLETIN

The regulations issued by Commodity Credit Corporation (hereinafter referred to as CCC) entitled 1949 C. C. C. Hay and Pasture Grass Seed Bulletin 1; 1949 C. C. C. Hay and Pasture Seed Bulletin 1, Supp. 1; and 1949 C. C. C. Hay and Pasture Grass Seed Bulletin 1, Amendment 1 to Supp. 1, published in 14 F. R. 4658, 5957 and 7683 respectively are hereby revised and incorporated in one document to read as follows. The program will be carried out by the Production and Marketing Administration (hereinafter referred to as PMA) under the general supervision and direction of the President, CCC. Loans (on common or Tennessee 76, Kobe and sericea lespedeza) and purchase agreements will be made available on eligible seeds produced in 1949 in accordance with this bulletin.

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AUTHORITY: §§ 659.75 to 659.100 issued under sec. 4, 62 Stat. 1070; 15 U. S. C. Sup. II, 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec 1, 62 Stat. 1247; 15 U. S. C. Sup. II, 714c, 7 U. S. C. Sup. II, 1282.

§ 659.75 *Administration.* In the field, the program will be administered through State and county PMA committees (hereinafter referred to as State and county committees) and PMA commodity offices.

Forms will be distributed through the offices of State and county committees. All loan and purchase documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county committee to approve such forms on behalf of the committee.

§ 659.76 *Availability of loans and purchase agreements*—(a) *Area.* (1) Loans will be available on eligible common or Tennessee 76, Kobe and sericea lespedeza seed stored in approved farm-storage or stored in approved warehouses in the continental United States.

(2) Purchase agreements will be available on all seeds listed in § 659.100 in all areas.

(b) *Time.* Loans and purchase agreements will be available on common or Tennessee 76, Kobe and sericea lespedeza seed from time of harvest through February 28, 1950. Purchase agreements will be available on all other seeds listed in § 659.100 from time of harvest to January 31, 1950. Applicable loan documents and purchase agreements must be signed by the producer and delivered or mailed to the county committee not later than the final date of availability of loans and purchase agreements in the area.

(c) *Source.* Loans and purchase agreements will be made through the offices of county committees. Disbursements on loans will be made to producers by State PMA offices by means of sight

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FEDERAL REGISTER

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drafts drawn on CCC or by approved lending agencies under agreements with CCC. Disbursements under the loan program will be made not later than March 15, 1950, except where specially approved by CCC in each instance.

§ 659.77 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement (Form PMA–97, or other form prescribed by CCC), or a loan servicing agreement.

§ 659.78 *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing seed in 1949, as landowner, landlord, tenant, or sharecropper.

§ 659.79 *Eligible seed.* Eligible seed shall be hay, pasture and range grass seed named in § 659.100, which meet in every particular the specifications set forth in this bulletin, and are harvested in the continental United States in 1949, the beneficial interest in which is in the producer and always has been in him, or in him and a former producer whom he succeeded before the hay, pasture, or range grass seed was harvested.

Packaging. When seed is placed under loan or when delivered to CCC under a purchase agreement, the seed shall be packaged in even-weight, net capacity, new bags of approved quality as described below:

(a) Alfalfa, alsike, ladino (certified), red, sweet, Hubam sweet, and white clover, common or Tenn. 76 Kobe, and sericea lespedeza, orchard grass (certified), timothy (certified), weeping and sand lovegrass and switchgrass:

Type	Net capacity (pounds)
(1) Tri-Sax (double seam)	100 or 60
36-inch 7.5 oz. or heavier	100 or 60
40-inch 8.25 oz. or heavier	100 or 60
(2) Osnaburg (seamless or double seam) 30-inch 7-oz. or heavier	100 or 60
(3) Seamless cotton 16-oz.	150

(b) Tall meadow fescue (certified), smooth brome (certified), Sudan (certified), and crested, slender, and western wheatgrass, common or Tenn. 76, Kobe and sericea lespedeza:

Type	Net capacity (pounds)
(1) Tri-Sax (double seam):	
36-inch 7.5 oz. or heavier	100
40-inch 7-oz. or heavier	100
(2) Osnaburg (seamless or double seam) 30-inch, 7 oz. or heavier	100
(3) Burlap or jute: 10-oz. or heavier	100

(c) Big, little, and sand bluestem, blue and side-oats gramma and natural component mixtures thereof where provided for, Indiangrass and buffalo grass:

Type	Net capacity (pounds)
(1) Burlap or jute: 10-oz. or heavier	50 or 30
(2) Tri-Sax or Osnaburg (double seam):	
36-in. 7.5 oz. or heavier	50 or 30
40-in. 8.25 oz. or heavier	50 or 30

§ 659.80 *Approved storage.* Approved storage for seed shall meet the following requirements:

(a) Under the loan program, approved farm-storage shall consist of storage structures located on the farm, or off the farm, provided no warehouse receipt is outstanding, which, as determined by the county committee, are of substantial and permanent construction as to afford safe storage of seed.

(b) Under the loan and purchase agreement program, approved warehouse-storage shall consist of public warehouses for which a CCC Seed Storage Agreement, in effect for the 1949 crop has been executed. The names of approved warehouses may be obtained from State offices and county committees.

§ 659.81 *Approved forms.* The approved forms consist of the loan and purchase agreement documents which, together with the provisions of this bulletin and any supplements and amendments hereto, govern the rights and responsibilities of the producer. Notes and chattel mortgages, and note and loan agreements, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents, executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) *Farm-storage loans.* Approved forms shall consist of the producer's note on Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA and shall be accompanied by official germination and purity test certificates.

(b) *Warehouse-storage loans.* Approved forms shall consist of the note and loan agreement on Commodity Loan Form B, secured by negotiable warehouse receipts representing the seed stored in approved warehouses and shall be accompanied by official germination and purity test certificates. All seed pledged as security for a loan on a single Commodity Loan Form B must be stored in the same warehouse.

(c) *Purchase agreement documents.* The purchase agreement documents shall consist of the Purchase Agreement (Commodity Purchase Form 1), Delivery Instructions (Commodity Purchase Form 3), and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county committee, negotiable warehouse receipts, official germination and purity test certificates, and such other forms as may be prescribed by CCC.

(d) *Warehouse receipts.* Seed in approved warehouse-storage under the loan program or delivered from approved warehouse storage under purchase agreements must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipt must be issued in the name of the producer, must be properly endorsed in blanks so as to vest title in the holder, and must be issued by an approved warehouse.

(2) Warehouse receipts shall carry an endorsement in substantially the following form:

Warehouse charges through April 30, 1950, on the seed represented by this warehouse receipt have been paid or otherwise provided for, and lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt.

(3) Each warehouse receipt, or a supplemental certificate (in duplicate) properly identified with the warehouse receipt, must set forth in the written or printed terms the kind or variety of seed, the lot number or lot identity, the number of bags, the net weight, and the quality which shall be evidenced by attached official purity analysis and germination test certificates. In cases where eligible seed is delivered to CCC in an approved warehouse, all relevant quality factors for determining the eligibility and price of the seed must be shown on the warehouse receipt.

§ 659.82 *Determination of quantity.* All determinations of the quantity of seed under this program shall be made on the basis of the net weight of eligible seed, as specified on the warehouse re-

ceipt, or the supplemental certificate (in duplicate) except that the quantity of seed being placed under a farm-storage loan shall be determined by the county committee on the basis of net weight or measurement.

§ 659.83 *Determination of quality.* The county committee will determine the quality of the seed on the basis of official purity and germination tests of a representative sample. An "official test" shall be an analysis made by a Federal or State Seed Testing Laboratory where such facilities are available, or, in the absence of such facilities, a seed testing laboratory approved by the State committee. Not more than 5 calendar months shall have elapsed since the last day of the month in which germination test was completed. A representative sample for determination of quality shall be a sample taken by a licensed State inspector, or where such services are not provided, the county committee shall arrange for obtaining a representative sample which shall consist of equal portions taken from evenly distributed parts of the lot of bagged seed to be sampled. In quantities of 5 bags or less, each bag shall be sampled; in quantities of more than 5 bags, at least every fifth bag but not less than 5 bags shall be sampled. A probe or trier shall be used in drawing samples.

§ 659.84 *Determination of dockage.* Dockage is not a factor in the case of seed. The quantity of seed will be determined without reference to dockage since this program is on the basis of clean seed.

§ 659.85 *Liens.* If there are any liens or encumbrances on the seed, proper waivers must be obtained.

§ 659.86 *Service fees*—(a) *Loans.* Where the seed is under a farm-storage loan, the producer shall pay a service fee of 2 cents per 100 pounds on the seed placed under loan, or $3.00, whichever is greater, and where the seed is under a warehouse-storage loan, the producer shall pay a service fee of 1 cent per 100 pounds on the quantity of seed placed under loan, or $1.50 whichever is greater. In the case of farm-storage loans, State committees are authorized to require prepayment of $3.00 of the service fee.

(b) *Purchase agreements.* At the time the producer signs a purchase agreement, he shall pay a service fee of 1 cent per 100 pounds on the quantity specified on Commodity Purchase Form 1 as the maximum quantity he may deliver, or $1.50 whichever is greater.

(c) *Refunds.* No refund of service fees will be made.

§ 659.87 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installments past due or maturing within twelve months are unpaid on any loan made available by CCC on farm-storage facilities, whether held by CCC or a lending agency, he must designate CCC or such lending agency as the payee of the proceeds of the loan or purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service fees and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 659.88 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 659.89 *Transfer of producer's equity*—(a) *Loans.* The right of the producer to transfer either his right to redeem the seed under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his interest in the purchase agreement.

§ 659.90 *Safeguarding of the seed.* The producer obtaining a farm-storage loan is obligated to maintain the farm-storage structure in good repair and to take such action as may be required to safeguard the seed, including fumigation if necessary.

§ 659.91 *Insurance.* CCC will not require the producer to insure the seed placed under farm-storage loan; however, if the producer does insure such seed, such insurance shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the seed involved in the loss.

§ 659.92 *Loss or damage to the seed.* The producer is responsible for any loss in quantity of the seed placed under farm-storage loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. Notwithstanding the printed provisions of the chattel mortgage and the mortgage supplement, the producer shall be responsible for loss in quality of the seed only if such loss results from fault or negligence on the part of the producer or other person having control of the storage structure.

§ 659.93 *Personal liability.* The making of any fraudulent representations by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the seed by him, will render the producer subject to criminal prosecution under Federal law and personal liability for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 659.94 *Maturity and satisfaction*—(a) *Delivery periods.* Unless demand is made earlier, loans will be due April 30, 1950, and producers who elect to deliver seed under a purchase agreement must notify the county committee within the 30-day period ending on April 30.

Whether or not an earlier delivery period is established by the State PMA committee, if the farm is sold or there is a change of tenancy, the seed may be delivered before the maturity date of the loan upon prior approval of the county committee.

(b) *Loans.* In the case of farm-storage loans, the producer is required to repay his loan on or before the due date or to deliver the mortgaged seed in accordance with instructions of the county committee. Notwithstanding the printed provisions of the chattel mortgage and mortgage supplement, settlement will be made at the applicable support price on the basis of the quantity of seed delivered and on the basis of the quality of the seed when placed under loan, except that if deterioration has resulted from fault or negligence, settlement shall be made on the basis of the quantity and quality of the seed delivered.

In the case of warehouse-storage loans, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the seed in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 659.95.

If the settlement value of the seed exceeds the amount due on the loan, the amount of the excess shall be paid to the producer. In the case of farm-storage loans, payment to the producer shall be made by a sight draft drawn on CCC by the State PMA office. In the case of warehouse-storage loans, such payment shall be made by the appropriate PMA commodity office.

If the settlement value of the seed is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture or any other payments which are due or may become due to the producer from CCC or any other agency of the United States.

(c) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase 1) will not be obligated to deliver any hay, pasture or range grass seed to CCC. He may deliver any amount up to but not in excess of the quantity shown on Commodity Purchase Form 1.

If the producer who signed a purchase agreement wishes to sell seed to CCC, he will have a 30-day period during which he must notify the county committee of his intention to sell. This period will end on April 30, 1950, or on such earlier date as may be determined by the President, CCC.

In the case of eligible seed stored in an approved warehouse, the producer must, not later than the day following

the final date of such 30-day period, submit warehouse receipts in a form approved by CCC to the county committee for the quantity of such seed he elects to sell to CCC, but not in excess of the quantity shown on Commodity Purchase Form 1. In the case of eligible seed stored in other than approved warehouse storage, the county committee will, on or after May 1, 1950, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery. Eligible seed stored in other than approved warehouse-storage will be purchased on delivery at points designated by CCC. When delivery is completed, payment shall be made by sight draft drawn on CCC by the State PMA office on the basis of an approved Commodity Purchase Form 4. The producer shall direct on such forms to whom payment of the proceeds shall be made. Seeds eligible for delivery will be purchased on the basis of the net weight of such seed, in accordance with the basic specifications shown in this bulletin, and subject to the discounts for seeds meeting minimum specifications, but below the basic specifications, such discounts being found in § 659.100 of this bulletin. To be eligible for delivery, seed must be cleaned and bagged in approved bags, fumigated if necessary, and tagged in accordance with the Federal Seed Act for interstate shipments when CCC orders government-owned seeds loaded out for interstate shipment. Seeds to be eligible for delivery also must conform with the requirements concerning noxious weed seed and must be packaged in conformity with the provisions of § 659.79 of this bulletin.

§ 659.95 *Removal of the seed under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the seed and sell it, either by separate contact or after pooling it with other lots of seed similarly held. If the seed is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled seed as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the seed even though part or all of such pooled seed is disposed of under such policies at prices less than the current domestic price for such seed. Any sum due the producer as a result of the sale of the seed or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 659.96 *Release of the seed under loan.* A producer may at any time obtain release of the seed remaining under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus charges and accrued interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local lending agency or to the county committee for collection. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial release of the seed prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the seed to be released. In the case of warehouse-storage loans, each partial release must cover all of the commodity under one warehouse receipt.

§ 659.97 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe for all payments received on producers' notes held by them and are required to remit to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies shall submit notes and reports to the PMA commodity office serving the area.

§ 659.98 *Storage and handling charges.* Commodity Credit Corporation will not pay or assume any of the costs of cleaning, bags and bagging, sampling, testing and analysis reports, tagging, or other handling or processing expenses which are necessary to prepare the seed to meet eligibility requirements or warehouse receiving charges or storage charges occurring through April 30, 1950, or the date of warehouse receipt, whichever is later.

§ 659.99 *PMA commodity offices.* The PMA commodity offices and the areas served by them are shown below:

ADDRESS AND AREA

Atlanta 3, Ga., 449 West Peachtree Street NE: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Chicago 5, Ill., 628 South Wabash Avenue: Illinois, Indiana, Iowa, Michigan, Ohio.

Dallas 2, Tex., 1114 Commerce Street: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Postal Building, 802 Delaware Avenue: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 1, Minn., 328 McKnight Building: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New York 4, N. Y., 67 Broad Street: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Idaho, Oregon, Washington.

San Francisco 2, Calif., 30 Van Ness Avenue: Arizona, California, Nevada, Utah.

§ 659.100 *Schedule of basic specifications and rates.* The rates at which loans and purchases will be made shall be computed in accordance with the following Schedule of Basic Rates, Specifications and Discounts Applicable to 1949 Hay, Pasture and Range Grass Seed:

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SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1949 HAY, PASTURE AND RANGE GRASS SEEDS

Kind of seed	Basic support price cts. per lb.	Basic specifications				Discount applicable for each percent below basic support price requirements		Minimum eligibility requirements	
		Purity	Germination [1]	Maximum weed seed [2]	Maximum other crop seed	Purity	Germination [1]	Purity	Germination [1]
Hay and pasture		*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Alfalfa:									
Northern [3]	32	98	90	0.50	2.00	1.50	1.50	97	84
Central [4]	25	98	90	0.50	2.00	1.50	1.50	97	84
Southern [5]	18	98	90	0.50	2.00	1.50	1.50	97	84
Clovers:									
Alsike	25	98	90	0.50	4.00	1.50	1.50	95	84
Ladino, certified	125	99	90	0.50	2.50	1.50	1.50	97	85
Red	35	99	90	0.50	2.00	1.50	1.50	97	84
Sweet	12	99	85	0.50	2.00	1.50	1.50	97	80
Hubam Sweet	8	99	85	0.50	2.00	1.50	1.50	97	80
White (Southern States)	45	98	90	0.50	4.50	1.50	1.50	95	84
Lespedeza: [10]									
Common or Tenn. 76	16	98	85	1.00	4.50	1.50	1.50	94	80
Kobe	12	98	85	1.00	4.50	1.50	1.50	94	80
Serices (hulled and scarified)	15	98	85	1.00	3.00	1.50	1.50	96	80
Grasses:									
Smooth Brome, certified	16	90	85	1.00	4.50	1.50	1.50	85	80
Wheatgrass, crested	10	95	85	1.00	4.50	1.50	1.50	85	77
Wheatgrass, slender	10	95	85	1.00	4.50	1.50	1.50	85	77
Wheatgrass, Western	10	80	80	1.00	4.50	1.50	1.50	75	72
Orchard, certified	15	90	85	1.00	4.50	1.50	1.50	85	80
Sudan, certified	5	98	85	.50	2.00	1.50	1.50	95	80
Timothy, certified	6	97	90	.50	1.00	1.50	1.50	95	80
Fescue, Tall Meadow [6] certified	35	97	90	.50	4.50	1.50	1.50	95	80
Range grasses:									
Big Bluestem	20	40	60	2.00	[7] 4.50	1.50	1.50	30	50
Little Bluestem	20	55	60	2.00	[7] 4.50	1.50	1.50	45	45
Sand Bluestem	25	40	60	2.00	[7] 4.50	1.50	1.50	25	45
Side Oats Grama	20	30	65	2.00	[7] 4.50	1.50	1.50	25	35
Blue Grama	15	45	75	2.00	[7] 4.50	1.50	1.50	40	60
Buffalo Grass	35	85	70	2.00	[7] 4.50	1.50	1.50	65	60

See footnotes at end of table.

SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1949 HAY, PASTURE AND RANGE GRASS SEEDS—Continued

Kind of seed	Basic support price cts. per lb.	Basic specifications				Discount applicable for each percent below basic support price requirements		Minimum eligibility requirements	
		Purity	Germination [1]	Maximum weed seed [2]	Maximum other crop seed	Purity	Germination [1]	Purity	Germination [1]
Hay and pasture—Continued		*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Range grasses—Continued									
Switch Grass	20	95	75	2.00	[7] 4.50	1.50	1.50	70	55
Weeping Lovegrass	50	99	87	0.50	[7] 4.50	[8] 1.50	1.50	90	80
Sand Lovegrass	50	99	60	0.50	[7] 4.50	1.50	1.50	85	50
Indiangrass	25	75	70	2.00	[7] 4.50	1.50	1.50	70	65
Mixed Bluestem	(9)	(9)	(9)	2.00	[7] 4.50	1.50	1.50	30	50
Mixed Grama	(9)	(9)	(9)	2.00	[7] 4.50	1.50	1.50	25	55

[1] Live seed including hard seed.
[2] See attached supplement to this schedule for limitations on noxious weed seeds.
[3] The Northern Region includes all producing areas north of the southern boundaries of Oregon, Idaho, Wyoming, Nebraska, and eastward in counties which are north of, intersected by, the 40th degree of latitude.
[4] The Central Region includes all the producing areas south of the Northern Region and north of the 37th degree of latitude (excluding California north of the 37th degree of latitude except the counties of Tahama, Plumas, and those counties north of the 40th degree of latitude, but including all counties south of the 37th degree of latitude in Nevada, Missouri, Kentucky, and Virginia). Approved origin alfalfa seed in Oklahoma tagged and sealed with the official tags and seals of the Oklahoma Crop Improvement Association will be at the rates specified for the Central Region.
[5] The Southern Region includes all the producing areas south of the Central Region.
[6] Alta and Kentucky 31 only.
[7] Not more than one (1) percent sand dropseed.
[8] Purchases will be made at the respective rates on quantities of big bluestem, little bluestem, and sand bluestem in mixture; provided the mixture contains at least 30 percent of 2 or more of these seeds; not more than 1 percent sand dropseed and not more than 5 percent of grass seeds other than switchgrass, side oats grama, and Indiangrass. The pure seed of the mixture and the germination of each component will be used in determining the value. Maximum weed seed 2 percent.
[9] Purchases will be made at the respective rates on quantities of blue grama and side oats grama in mixture; provided the mixture contains at least 25 percent of blue grama and side oats grama; not more than 1 percent of sand dropseed and not more than 5 percent of grass seeds other than Buffalo grass, bluestem, switchgrass, and Indiangrass. The pure seed mixture and the germination of each component will be used in determining the value. Maximum weed seed 2 percent.
[10] Note exceptions to noxious weed seed requirements for lespedeza seed in supplement.

SUPPLEMENT TO THE SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1949 HAY, PASTURE, AND RANGE GRASS SEED

NOXIOUS WEED-SEED REQUIREMENTS

In addition to the prescribed eligibility requirements, seed must meet the following requirements with respect to noxious weed seed:

a. The seed shall not contain noxious weed seeds in excess of the number permitted for sale as planting seed by the State seed law and rules and regulations pursuant thereto of the State in which the seed is delivered to C. C. C.

b. In addition to a. above, the seed shall not contain any of the following prohibited noxious weed seeds:

Common Name	*Botanical name*
Austrian fieldcress.	Rorippa austriaca.
Bindweed.	Convolvulus Arvensis.
Camelthorn.	Alhagi (camelorum) pseudalhagi.
Canada thistle.	Cirsium arvense.
Globepodded ballcress, whitetop.	Cardaria pubescens.
Horsenettle.[1]	Solanum carolinense.
Johnson grass.	Sorghum halpense.
Leafy spurge.	Euphorbia esula.
Nutgrass.	Cyperus rotundus.
Perennial sowthistle.	Sonchus arvensis.
Purple nightshade.[1]	Solanum elaeagnifolium.
Quackgrass.	Agropyron repens.
Russian knapweed.	Centaurea repens (picris).
Whitetop.	Cardaria (Lepidium) draba.
Wild onion.	Allium spp.

[1] Horsenettle and purple nightshade, in lespedeza seed, are classed as prohibited noxious weed seeds only when present in excess of 500 seeds per pound.

c. In addition to a. and b. above, the seed shall not contain any of the following noxious weed seeds in greater number or collectively, than the proportions shown below, using either the number or weight proportion as is reported on the analysis report:

(1) 1 noxious weed seed to 10,000 agricultural seeds or 50 per pound:

Common name	*Botanical name*
Bermuda grass, devilgrass.	Cynodon dactylon.
Bindweed, hedge.	Convolvulus sepium.
Blue lettuce, chicory lettuce.[2]	Lactuca pulchella.
Chufa, nutgrass.	Cyperus esculentus.
Dodder.	Cuscuta spps.
Iberian star thistle.[2]	Centaurea iberica.
Marijuana.[2]	Cannabis sativa.
Perennial mustard, whitetop.[2]	Lepidium latifolium.
Poison hemlock.[2]	Conium maculatum.
Poison milkweed.[2]	Asclepias galloides.
Poverty weed.[2]	Franseria discolor.
Puncturevine, caltrop.[2]	Tribulus terrestris.
St. Johnswort, Klamath weed	Hypericum perforatum.
Water hemlock.[2]	Cicuta maculata.
Western ragweed.[2]	Ambrosia psilostachya.
Wolly poverty weed.[2]	Franseria tomentosa.
Yellow star thistle.[2]	Centaurea solatitialis.
Yellow toadflax.[2]	Linaria vulgaris.

(2) 1 noxious weed seed to 5,000 agricultural seeds, or 100 to the pound:

Common name	*Botanical name*
Barberry.[2]	Berberis spps.
Barberry.[2]	Mahonia spps.
Black nightshade.[2]	Solanum nigrum.
Buffalo-bur.[2]	Solanum rostratum.
Butterprint, velvetweed.[2]	Abutilon theophrasti.
Corncockle.	Agrostemma githago.
Cutleaf nightshade.	Solanum triflorum.
Daisy, oxeye, field daisy.	Chythanthemum leucanthemum.
Deathweed, povertyweed.[2]	Iva axillaris.
Flowering spurge.[2]	Euphorbia corollata.
Hairy gaura.[2]	Gaura villosa.
Hairy nightshade.[2]	Solanum villosum.
Mustard, charlock, wild mustard.	Brassica spps.
Perennial groundcherry.[2]	Physalis subglabrata.
Scarlet gaura.[2]	Gaura coccinea.
Scented gaura.[2]	Gaura odorata.
Shiny spurge.[2]	Euphorbia lucida.
Spreading dogbane.[2]	Apocynum androsaemifolium.
Texas blueweed.	Helianthus ciliaris.
Wavy-leaved gaura.[2]	Gaura sinuata.
Yellowcress.[2]	Rorippa sylvestris.

(3) 1 noxious weed seed to 2,000 agricultural seeds or 200 per pound:

Common name	*Botanical name*
Chicory.[2]	Cichorium intybus.
Franseria Povertyweed.	Franseria tenuifolia.
Giant ragweed.[2]	Ambrosia trifida.
Halogeton.[2]	Halogeton glomeratus.
Hoary alyssum.[2]	Berteroa incana.
Malta starthistle.[2]	Centaurea melitensis.
Smaller burdock, Clotbur.[2]	Arctium minus.
Purple Star thistle, Caltrops.[2]	Centaurea calcitrapa.
Wild oat.	Avena fatua.
Wild carrot.	Daucus carota.
Wintercress, yellow rocket.[2]	Barbarea vulgaris.

[2] Not classified as a noxious weed seed in lepedeza seed.

(4) 1 noxious weed to 1,000 agricultural seeds or 300 per pound:

Common name	*Botanical name*
Alkali mallow.[3]	Sida hederacea.
Australian Burnweed, Fireweed.[3]	Erechtites prenanthoides.
Austrian peaweed.[3]	Swainsona salsula.
Ball mustard.[3]	Neslia paniculata.
Bassia.[3]	Bassia hyssopifolia.
Bladder campion.[3]	Silene cucubalus.
Blueweed, Blue thistle.[3]	Echium vulgare.
Catchfly, night-blooming catchfly.[3]	Silene noctiflora.
Chess, Cheat.	Bromus spp.
Cocklebur.[3]	Xanthium spp.
Common ragweed.[3]	Ambrosia artemisiifolia.
Common sowthistle.[3]	Sonchus oleraceus.
Cowcockle, Cowherb.[3]	Saponaria vaccaria.
Crabgrass, small crabgrass.[3]	Digitaria ischaemum.
Crabgrass, crowfoot grass[3]	Digitaria sanguinalis.
Curly indigo.[3]	Aeschynomene virginica.
Daisy fleabane.[3]	Erigeron strigosus.
Darnel.	Lolium temulentum.
Dock, Sorrel.	Rumex spp.
Field peppergrass.	Lepidium campestre.
Field sandbur.[3]	Cenchrus pauciflorus.
Hares-ear-mustard.[3]	Conringia orientalis.
Hawkweed.[3]	Hieracium Spp.
Lanceleaf sage.[3]	Salvia (lanceolata) reflexa.
Littleseed falseflax.[3]	Camelina microcarpa.
Pennycress.[3]	Thlaspi arvense.
Perennial groundcherry.[3]	Physalis longifolia.
Plantain.	Plantago Spp.
Prickly sowthistle.[3]	Sonchus asper.
Purple-flowered groundcherry.[3]	Quincula (Physalis) lobata.
Red rice.	Oryza sativa.
Roemeria poppy.[3]	Roemeria refracta.
Russian thistle.	Salsola kali var. tenuifolia.
Sticktight.[3]	Lappula echinata.
Tall indigo.[3]	Sesbania exaltata.
Tansy mustard.[3]	Sisymbrium irio.
Tansy mustard.[3]	Descurainia pinnata (sophia).
Tumble mustard.[3]	Sisymbrium altissimum.
White campion.[3]	Lychnis alba.
Whitetop fleabane.[3]	Erigeron annus.
Wild barley, Foxtail barley.[3]	Hordeum jubatum.
Wild barley, Squirrelgrass.[3]	Hordeum murinum.
Wild flax.[3]	Camelina sativa.
Wild morning-glory.	Ipomoea Spp.
Wild radish.[3]	Raphanus raphanistrum.
Wire grass.	Paspalum distichum.

Issued this 30th day of January 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50-928; Filed, Feb. 1, 1950; 8:52 a. m.]

[3] Not classified as a noxious weed seed in lespedeza seed.

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 992—HANDLING OF IRISH POTATOES GROWN IN WASHINGTON

EXEMPTION CERTIFICATES; CERTIFICATES OF PRIVILEGE

A notice of proposed rule making regarding rules and regulations for the issuance of exemption certificates and certificates of privilege, to be made effective under Marketing Agreement No. 113 and Order No. 92 (14 F. R. 5860) regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER (14 F. R. 7397). This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the State of Washington Potato Committee (established pursuant to said agreement and order), the following rules and regulations are hereby approved.

It is hereby found that it is impracticable and contrary to the public interest to give 30-day notice of the effective date of this order in that (a) shipments of potatoes from the production area are now being made and have been taking place since the beginning of harvest for the 1949 crop year; (b) more orderly marketing in the public interest than would otherwise prevail will be promoted by effectuating the rules and regulations hereinafter set forth on and after the effective date hereof; (c) compliance with the rules and regulations will require no preparation on the part of producers and handlers which cannot be completed by the effective date hereof; (d) notice has been given of the proposed rules and regulations by publication thereof as required by law (14 F. R. 7397); and (e) the rules and regulations should be approved upon publication hereof in order to effectuate the declared policy of the act.

Sec.
992.101 Definitions.
992.102 Area determinations.
992.103 Exemption certificates.
992.104 Certificates of Privilege.

AUTHORITY: §§ 992.101 to 992.104 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

§ 992.101 *Definitions.* For the purpose of §§ 992.101 through 992.104, "agreement" means Marketing Agreement No. 113 and "order" means Order No. 92 (14 F. R. 5860) regulating the handling of Irish potatoes grown in the State of Washington, and the terms used in such sections shall have the same meaning as set forth in said agreement and order.

§ 992.102 *Area determinations.* The State of Washington Potato Committee determines, pursuant to § 992.4 (f), that:

(a) "Immediate production area" means each one of the districts established pursuant to § 992.2 (h); and

(b) "Immediate shipping area" means each one of the districts established pursuant to § 992.2 (h).

§ 992.103 *Exemption certificates*—(a) *Application.* Any producer or handler applying for exemption from grade and size regulations issued under said agreement and order shall make application to the State of Washington Potato Committee on forms to be furnished by the committee. Such application shall state:

(1) The name and address of the applicant for exemption;

(2) The location of the farm or farms on which potatoes for which exemption is requested were produced or the location of the storage where such potatoes are held;

(3) The quantity of potatoes produced by the applicant, by grade and size for each variety produced;

(4) The quantity of ungraded potatoes purchased by the applicant during or immediately following the digging season and stored, and the grade and size thereof by varieties;

(5) The quantity of potatoes, by varieties, grades, and sizes, which have been sold or otherwise disposed of during the current season and the quantity remaining to be shipped of (i) potatoes produced, and (ii) ungraded potatoes purchased and stored by the applicant;

(6) A statement (i) of the reason why the quantity of potatoes for which exemption is requested do not meet the requirements of the grade and size regulation in effect, and (ii) that by reason of such regulation the applicant will be prevented from handling as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area, or as large a proportion of his storage holdings as the average proportion of storage holdings handled by all handlers in said applicant's immediate shipping area;

(7) The name and address of the handler who will ship the potatoes; and

(8) Such other information as the committee may find necessary in making

a determination regarding the granting of a certification of exemption.

(b) *Issuance of certificate.* The State of Washington Potato Committee shall give prompt consideration to all statements and facts relating to each application for exemption and shall determine from such statements and facts, and from the applicable terms of the marketing agreement and order, whether or not the application shall be approved. The determination, if favorable, shall be evidenced by the issuance of a certificate of exemption pursuant to § 992.4 (f). If the applicant's request for exemption is denied he shall be so notified in writing.

Each certificate of exemption issued, as provided herein, shall contain the name and address of the applicant; the location of all of the applicant's remaining potatoes; the total quantity of potatoes which may be handled under the certificate of exemption; and the exceptions from the grade and size regulations which will be permitted by the exemption granted.

Certificates of exemption issued to producers shall be transferred with such potatoes at time of sale: *Provided, however,* That the committee may issue appropriate subcertificates to a producer applicant to whom a certificate of exemption is granted in cases where more than one sale is involved in disposing of exempted potatoes. Each such sale shall be covered by a subcertificate and such subcertificate shall be transferred with such potatoes at the time of sale.

The producer shall notify the committee promptly following such transfer and shall state the name and address of the person to whom the potatoes were sold, quantity sold, date of transfer, and such other information as the committee may request.

Handlers shall report to the committee each shipment of potatoes made under a certificate of exemption and shall supply the committee with such other information as the committee finds necessary to keep the handling of potatoes pursuant to such exemptions within the quantity and terms specified in the certificates applicable thereto.

(c) *Appeal procedure.* Appeals from determinations of the committee pursuant hereto shall be submitted to the committee, pursuant to § 992.4 (f) (5), within ten days after receipt of the determination by an applicant for exemption.

§ 992.104 *Certificates of Privilege*—(a) *Application.* (1) Pursuant to the provisions of § 992.5 and when shipments for the following purposes are not subject to regulation pursuant to § 992.4 of the marketing agreement and order, all handlers desiring to make shipments of potatoes for export, shipments of potatoes for distribution by relief agencies or for consumption by charitable institutions, shipments of potatoes for the purpose of having such potatoes manufactured or converted into non-food products, shipments of potatoes for livestock feed, or shipments of seed potatoes, shall first apply to the committee for and obtain a Certificate or Certificates of Privilege permitting the proposed shipments.

(2) Applications for Certificates of Privilege shall be made on a form furnished by the committee. Such applications, except those pertaining to shipments of seed potatoes, shall contain the name and address of the handler, the estimated amount of potatoes to be shipped, the grades and sizes of potatoes to be shipped, name of consignee, destination, proof of contract, and such other information as the committee may require in safeguarding against the entry of such potatoes into trade channels other than those for which the Certificate or Certificates of Privilege were granted.

(3) Applications pertaining to shipments of seed potatoes shall contain the name and address of the handler, the estimated amount of seed potatoes to be shipped, and such other information as the committee may require in safeguarding against the entry of such potatoes into table stock channels. The said handler shall agree to ship such potatoes only for the purpose specified on the Certificate or Certificates of Privilege.

(b) *Shipments of seed potatoes.* Each handler of seed potatoes, when shipments of seed potatoes are not subject to regulation pursuant to § 992.4 of the marketing agreement and order, shall ship such potatoes only under a Certificate of Privilege and shall furnish or cause to be furnished through the official seed potato certifying agency of the State of Washington, or other seed certification agencies which the Secretary may recognize, a certificate for each shipment which shall contain the name and address of the handler, car or truck number, quantity shipped, variety, and destination. Each such certificate shall be treated as confidential, and the information thereon shall be divulged only to those persons so authorized by the committee. All such shipments pursuant hereto shall be subject to assessment.

(c) *Commercial shipments other than seed potatoes.* Each handler shipping potatoes (other than certified seed) for any purpose set forth in paragraph (a) of this section, shall supply the committee, upon request, with a report of shipments which did not meet the grade and size regulations in effect at the time of shipment. Such report shall state: Name and address of the handler, car or truck number, Federal-State Inspection Certificate number, loading point, destination, and consignee. Such reports shall be treated as confidential, and the information thereon shall be divulged only to those persons so authorized by the committee. All such shipments pursuant to this paragraph shall be inspected by the Federal-State Inspection Service and shall be subject to assessment.

(d) *Government purchases.* All shipments of potatoes purchased by the Commodity Credit Corporation in accordance with the provisions of the price support program and billed by or at the direction of the U. S. Department of Agriculture shall be subject to inspection by the Federal-State Inspection Service and to assessment, but are not otherwise subject to the requirements for a Certificate of Privilege.

(e) The Committee may rescind a Certificate, or Certificates of Privilege issued to a handler pursuant hereto, or deny Certificates of Privilege to a handler, upon proof satisfactory to the committee that such handler has shipped potatoes contrary to the provisions of this section. Such committee action denying a Certificate or Certificates of Privilege shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

Done at Washington, D. C., this 30th day of January 1950, to be effective upon the publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-927; Filed, Feb. 1, 1950; 8:50 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

Subchapter D—Nationality Regulations

DECENTRALIZATION OF FUNCTIONS

JANUARY 27, 1950.

The following amendments to Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

PART 108—RECORDING OF ARRIVALS, DEPARTURES, AND REGISTRATIONS

1. Paragraph (c) of § 108.5, *Nonimmigrants; Forms I-94 and I-448,* is amended to read as follows:

(c) The admitting immigrant inspector shall execute Form I-94 and deliver the original to the alien at the time of admission and shall fasten the form in the alien's passport, if any, in such a way that it will not cover or obliterate any notations in the passport. If the alien presents a nonimmigrant visa, the visa application number shall be noted on all copies of Form I-94. There shall also be noted on all copies of Form I-94 the section and subsection of the law under which the alien is admitted. The triplicate copy of Form I-94 shall be retained at the port of entry and shall be filed as the record of entry. The duplicate copy of Form I-94 shall be forwarded to the Central Office only in cases in which the form is issued (1) to an alien admitted to the United States for more than 29 days, or (2) to an alien whose journey to the United States originates in countries other than Canada or Mexico. The original of Form I-94 shall be surrendered by the alien at the time of his departure from the United States, except that in case the circumstances described in § 108.4 (b) (1) or (2) exist the alien may retain the form, but the departure reports on Form I-424 shall be made as prescribed in § 108.4 (b) (1) in case the

circumstances described in that subparagraph exist. The original of Forms I–94 surrendered by departing aliens shall be returned to the port of entry if different from the port of departure. When satisfactory evidence of departure—normally the surrendered Form I–94 but occasionally Form I–424 or other evidence—is received at the port of entry, the facts of departure shall be posted to Form I–94 on file at the port of entry. Thereafter, such evidence of departure shall be forwarded to the Central Office in cases in which a triplicate of such form has been forwarded to the Central Office. If a departing alien surrenders a Form 257a and a subsequently issued Form I–94, the surrendered Form 257a shall be attached to the surrendered Form I–94, and Form I–94 shall be routed in the usual way to the port of entry shown thereon.

CROSS REFERENCE: For issuance of Form I–94 in the cases of students, see Part 125 of this chapter.

2. Section 108.6 is amended to read as follows:

§ 108.6 *Immigrants; Forms 256a, I–151, I–152, and I–153.* (a) At the time an alien immigrant applies for admission to the United States for permanent residence, the alien shall surrender the immigration visa, Form 256a, to the examining immigrant inspector. If the alien is admitted, the examining immigrant inspector shall endorse in the space indicated on Form 256a, the data as to the admission. He shall at the same time correct, if necessary, the statement as to the alien's intended final residence in the United States. In all cases of admission Form 256a shall be forwarded promptly to the Central Office. Upon receipt of Form 256a in the Central Office, it shall be assigned an alien number, and there shall be prepared in the Central Office a docket card on Form I–153, a field index card on Form I–152, and an alien registration receipt card on Form I–151, except that Form I–151 shall not be issued to a student admitted under section 4 (e) of the Immigration Act of 1924. Form I–153 shall be kept in the Central Office as the Central Office record relating to the alien. Thereafter, Forms 256a, I–151, I–152 and any files relating to the alien, shall be forwarded to the district director having jurisdiction over the alien's place of residence. Upon receipt thereof the district director shall consolidate all of the records relating to the alien into one file. The photograph in the sealed envelope attached to and accompanying Form 256a shall be used in completing the preparation of Form I–151. Upon completion, Form I–151 shall be mailed by the district director to the alien.

(b) If an alien immigrant possessing Form 256a is excluded from the United States, data as to the exclusion shall be placed on that form by the chairman of the board of special inquiry. In appellate or similar proceedings, the record of hearing shall be submitted to the Central Office with Form 256a and record of hearing. The record shall be retained in the Central Office pending final action by the Commissioner. In the event of an appeal to the Board of Immigration Appeals, the record relating to the alien shall be transmitted to the Board of Immigration Appeals for its consideration of the case. The district director having jurisdiction over the port of entry shall be notified of any action taken in the case by the Commissioner or the Board of Immigration Appeals. If appellate proceedings result in an order authorizing the alien's admission, the documents shall be disposed of in accordance with the procedure provided for in the preceding paragraph of this section. If appellate proceedings result in an order affirming the alien's exclusion, the record of hearing and Form 256a shall be sent to the district director having jurisdiction over the port of entry for retention until such time as the alien's deportation is effected. Thereafter, the file shall be returned to the Central Office for disposition. If the record is not submitted to the Central Office in appellate or similar proceedings, Form 256a shall be retained at the port of entry until such time as the alien's deportation is effected. Thereafter, the file, including Form 256a, shall be forwarded to the Central Office for disposition.

(Sec. 24, 39 Stat. 892, sec. 23, 43 Stat. 166, sec. 37, 54 Stat. 675, sec. 327, 54 Stat. 1150; 8 U. S. C. 102, 222, 458, 727. Interpret or apply sec. 2, 43 Stat. 154, secs. 30, 34, 328, 54 Stat. 673, 674, 1151; 8 U. S. C. 202, 451, 455, 728)

PART 110—PRIMARY INSPECTION AND DETENTION

1. Section 110.18 is amended to read as follows:

§ 110.18 *Visas and reentry permits; surrender subsequent to entry.* If an alien has been lawfully admitted but his immigration visa or his reentry permit was not surrendered at the time of such admission, such documents, when subsequently coming into the possession of immigration officers, shall be forwarded to the Central Office for handling in the manner provided by § 108.6 (a) of this chapter.

(Interprets or applies sec. 2, 43 Stat. 154; 8 U. S. C. 202)

2. Section 110.51 is amended to read as follows:

§ 110.51 *Aliens previously rejected; exclusion; permission to reapply.* Any alien excluded from admission and deported in pursuance of law who applies for admission within one year after such rejection and deportation shall be excluded, unless, prior to reembarkation at a place outside the United States or his attempt to be admitted from foreign contiguous territory, the Attorney General has consented to his reapplication for admission. At the time of original exclusion by a board of special inquiry, an applicant shall be advised of the provisions of law relating to the obtaining of permission to reapply within one year, and the fact of such notification shall be entered on the record, together with the applicant's foreign address. Applications for the privilege to reapply shall be submitted to the district director having jurisdiction over the port of last exclusion, and shall be forwarded by such official to the Central Office accompanied by the record previously formulated, unless it is indicated that the Central Office has already come into possession of the record. If upon consideration of the record the Attorney General grants permission to reapply within one year of date of exclusion, notification of such permission shall be transmitted to the port where the alien was excluded, if he has not already been deported, or to his foreign address, if he has actually been deported.

(Interprets or applies sec. 1, 45 Stat. 1551; 8 U. S. C. 136)

3. Section 110.53 is amended to read as follows:

§ 110.53 *Immigrants possessing proper documents but entering without examination; procedure.* If an immigrant alien found in the United States in possession of an immigration visa or a reentry permit has failed to undergo proper inspection at a port of entry, such alien shall be examined in the district where he is located or residing. The alien shall be thoroughly questioned as to the circumstances concerning his failure to undergo proper examination at the time of entry, particularly if the entry occurred through a regular port, for the purpose of fixing the responsibility for failure to undergo inspection as well as the actual date of the alien's entry, the port through which entry was made, and the means of transportation employed. The district director having jurisdiction over the port through which actual entry occurred shall be furnished with a copy of the record of examination of the alien, which record shall include appropriate statistical data and postal money order for the head tax (where the latter is required), together with complete details concerning the time, place, and manner of entry. If the district director having jurisdiction over the port of entry finds from the facts given that failure to undergo proper inspection was due to inadvertence and without wilful intent on the part of the alien, he may direct admission. If admission is directed, a record of entry shall be created and the procedure outlined in § 108.6 shall be followed with respect to the disposition of the documents presented by the alien. The record of admission, if and when made, shall be as of the actual date, place, and manner of arrival in the United States. If the district director having jurisdiction over the port of entry does not believe that admission should be directed, the record of examination conducted, together with the Form 256a or the reentry permit, shall be forwarded to the Commissioner for consideration and disposition.

(Interprets and applies sec. 2, 43 Stat. 154; 8 U. S. C. 202)

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

PART 125—STUDENTS

1. Paragraph (a) of § 125.12, *Records of admission, readmission, and departure,* is amended to read as follows:

§ 125.12 *Records of admission, readmission, and departure.* (a) When a student is admitted to the United States on surrender of Form 256a, the endorsements and records, other than Form I–151 required by § 108.6 of this chapter shall be made. In addition, Form I–94, in duplicate, shall be executed in the case of every student admitted to the United States on surrender of an immigration visa. The examining immigrant inspector shall note on Form I–94 the name and location of the institution to which the student is destined. The original of Form I–94, which shall be given to the student at the time of his admission to the United States, shall serve as the alien registration receipt card. The immigration visa and duplicate copy of Form I–94 shall be forwarded to the Central Office. On receipt in the Central Office of these documents, the procedure outlined in § 108.6 (a) of this chapter shall be followed, except that Form I–151 shall not be made up or furnished to students. The immigration visa, duplicate copy of Form I–94, and Form I–152, together with any relating record, shall thereafter be forwarded to the district headquarters office responsible for the supervision of the student for consolidation and filing.

2. Paragraph (d) of § 125.12 is amended to read as follows:

(d) During a student's authorized stay in the United States, he may under certain circumstances visit certain countries and be readmitted to the United States without obtaining a new immigration visa (see § 176.203 (d) of this chapter). When that occurs, no notice of the readmission need be sent from the port of readmission to the institution. The readmitting immigrant inspector shall execute Form I–94 in duplicate, showing the name and location of the institution to which the student is destined and the serial number of Form I–94 issued on the original entry. The original of Form I–94 shall be given to the student at the time of his readmission and the duplicate copy of Form I–94 shall be sent to the district headquarters office of the district responsible for the supervision of the student.

3. Paragraph (e) of § 125.12 is amended to read as follows:

(e) When a student departs from the United States either temporarily or permanently, he shall surrender his Form I–94. Notwithstanding the provisions of Part 108 of this chapter, Form I–94 surrendered by a departing student shall be forwarded to the district headquarters office of the district in which the institution which the student is or was last attending is located, appropriately endorsed to indicate whether the departure is temporary or permanent. If it is definitely shown or known that the student's departure is permanent, the consolidated file in that district, together with the surrendered Form I–94, shall be sent to the Central Office for disposition; otherwise the form shall be held in that district for six months. If during that time no notice of the student's readmission is received by means of a new Form I–94 or otherwise, inquiry shall be made as to the student's whereabouts and status. If it is found that the student has departed permanently from the United States, the file and the surrendered Form I–94 shall be sent to the Central Office for disposition. If it is found that the student has been readmitted to the United States under another status, the Central Office shall be so notified on Form G–81, and, where necessary, the file relating to the alien shall be transferred to the district acquiring jurisdiction over the alien following his readmission.

4. Section 125.14 is amended to read as follows:

§ 125.14 *Transfers from one school to another.* A student may transfer from one approved institution to another only if he first secures written permission from the district director of the district in which is located the institution from which the transfer is desired. Any application for permission to transfer should be submitted to the district director by letter at least 30 days in advance of the desired transfer. There shall be placed on the duplicate copy of Form I–94 a signed endorsement showing the name and location of the institution to which the transfer is authorized, and the duplicate copy of Form I–94 shall be returned to the student. When a student is permitted to transfer from one approved institution to another and the institution to which he transfers is located in another immigration district, the district director of the first district shall forward the file (including any duplicate copy of Form I–94) pertaining to the student to the director of the district to which the student transfers and shall send a notice of the transfer on Form G–81 to the Central Office.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interprets or applies secs. 4, 13, 15, 43 Stat. 155, 161, 162, 47 Stat. 524, 50 Stat. 165, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. 204, 213, 215)

PART 127—FIANCÉES AND FIANCÉS OF CITIZEN MEMBERS OF THE UNITED STATES ARMED FORCES

Paragraph (d) of § 127.6, *Acquisition of permanent resident status; record of admission*, is amended to read as follows:

(d) If the alien is found admissible, the immigrant inspector shall properly endorse Form I–135, which shall thereafter be transmitted to the Central Office, together with any Form 257a or Form I–94, in the possession of the applicant. After receipt in the Central Office of Form I–135, together with any Form 257a, or Form I–94, the processing of the records in the Central Office and field office shall conform to the applicable portions of the procedure outlined in § 108.6 (a) of this chapter, including the mailing of Form I–151 by the district director to the alien. Any such Form I–135 received in the Central Office shall be regarded, for statistical purposes, as though it were a nonquota immigration visa issued under section 4 (a) of the Immigration Act of 1924.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675, sec. 4, 60 Stat. 340; 8 U. S. C. 102, 222, 458; 50 U. S. C. App., 1354. Interprets or applies secs. 1–5, 60 Stat. 339–340; 50 U. S. C. App. 1851–1855)

PART 130—BOARDS OF SPECIAL INQUIRY

Section 130.7 is amended to read as follows:

§ 130.7 *Alien excluded for removable cause; permission to reapply.* In meritorious cases in which the alien is excluded merely because he is not in possession of a visa, or for a cause which can readily be removed or overcome, he may be advised by the board of special inquiry that an application for permission to reapply for admission may then and there be made. If the applicant does not appeal from the excluding decision and desires to make such application, the board of special inquiry may grant him permission to reapply within one year of the time of exclusion. Written notification of such permission shall be furnished to the alien for his use in subsequent proceedings. In all other cases, applications for the privilege of reapplying shall be submitted to the Central Office for decision as prescribed in § 110.51 of this chapter.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interprets or applies secs. 16, 17, 39 Stat. 885, 887, sec. 6, 7, 60 Stat. 240, 241; 8 U. S. C. 152, 153; 5 U. S. C. 1005, 1006)

PART 142—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

1. Section 142.3 is amended to read as follows:

§ 142.3 *Application.* Application for preexamination shall be made on Forms I–255 and I–55 and submitted to the immigration and nautralization office prescribed in § 60.30 (a) of this chapter. The application may be filed separately or in conjunction with a petition on Form I–133 for nonquota or preference quota status under § 165.1 of this chapter. Where the application for preexamination is submitted to a field office, either separately or with Form I–133, the Forms I–255 and I–55 shall be forwarded to the district headquarters having jurisdiction over the alien's place of residence.

2. Section 142.5 is amended to read as follows:

§ 142.5 *Authorization.* The district director may authorize the preexamination of any alien eligible therefor under the provisions of § 142.2 whose case does not fall under § 142.4, except that (a) the applicant shall have the right of appeal as provided in § 142.7 in the event that the decision is unfavorable to him, (b) the district director may refer to the Commissioner any case in which there is doubt as to whether preexamination should be authorized, and (c) the Commissioner may from time to time require certain classes of cases or individual cases to be submitted to him for review or for decision.

3. Section 142.7 is amended to read as follows:

§ 142.7 *Notification of authorization.* (a) When the decision of the district

director shall have been made, the applicant shall be notified in writing. In case preexamination is authorized, the applicant shall be informed that preexamination will not be accorded him unless and until he has submitted to the United States consul to whom he intends to apply for a visa the necessary documents in support of his visa application and has received from the consular officer written assurance that such documents appear sufficient and satisfactory on their face and that a visa will be promptly available if, upon personal examination by the counsel, he is found to be eligible for a visa.

(b) If the district director finds that the alien is not eligible for preexamination or is of the opinion that for some other reason preexamination should not be authorized he shall deny the application. The applicant shall be notified in writing of the decision and the reasons therefor and shall be advised that he has ten days from the date of notification in which he may appeal to the Commissioner. Such appeal shall be filed with the district director, who shall forward the entire file relating to the alien to the Commissioner for decision. The Commissioner's decision shall be transmitted to the district director who shall advise the alien in writing of the decision and take such action as has been directed. If no appeal is taken, the Central Office shall be notified on Form G–81 and the district director shall direct such further action as may be deemed appropriate for the disposition of the case.

4. Section 142.8 is amended to read as follows:

§ 142.8 *Place and time.* The immigration office at which the alien may present himself for preexamination shall be designated in the authorization; and the preexamination shall be conducted as soon as practicable after authorization and after the alien has complied with the provisions of § 142.7. In the event that the alien fails within a reasonable time to meet the conditions of § 142.7, or, having done so, fails to present himself for preexamination, the district director may revoke the authorization for preexamination. The district director, however, shall not have authority to revoke the authorization for preexamination in any case within the provisions of § 142.4.

5. Section 142.13 is amended to read as follows:

§ 142.13 *Aliens ineligible.* In all preexamination proceedings, the primary inspector or the board of special inquiry, as the case may be, shall first consider the question whether the alien is qualified for preexamination under the provisions of §§ 142.1 and 142.2. Whenever it shall appear upon initial inquiry that the alien is not entitled to the privilege of preexamination, further examination by the primary inspector or the board of special inquiry shall be suspended, and the record shall be returned to the district director. In that event, the district director may revoke the authorization for preexamination, but in any such case the alien shall have the right of appeal prescribed by this part. After a revocation order becomes final, the district director may, in appropriate cases, institute action to effect the alien's departure from the United States.

6. Section 142.17 is amended to read as follows:

§ 142.17 *Action upon application for reentry.* (a) Any alien examined in preexamination proceedings and to whom an immigration visa has been issued, who is found admissible upon seeking reentry shall be admitted to the United States for permanent residence upon presentation of his immigration visa and preexamination border crossing card, and thereafter the case shall be handled in accordance with the procedure prescribed by § 108.6 of this chapter.

(b) Any alien previously found admissible in preexamination proceedings and to whom an immigration visa has been issued who is found to be inadmissible upon seeking reentry shall not be admitted but shall be permitted to reenter the United States solely for the purpose of being taken into custody by the immigration authorities at the port of reentry under deportation proceedings.

7. Section 142.18 is amended to read as follows:

§ 142.18 *Readmission without immigration visa.* Any alien previously found admissible in preexamination proceedings and to whom an immigration visa has been thereafter denied shall be permitted to reenter the United States upon presentation of his preexamination border crossing card; but if such alien is not in possession of documents authorizing his temporary residence in the United States, he shall be taken into custody by the immigration officers at the port of entry under deportation proceedings.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

Part 157—Removal of Distressed Aliens From the United States

1. Section 157.4 is amended to read as follows:

§ 157.4 *Record; recommendation; review.* Upon completion of the examination and investigation, the examining officer shall prepare a report of his findings on Form I–273 (Report of Examining Officer in Removal Proceedings), together with his recommendation and any comment he may deem necessary. The record and the findings and recommendation of the examining officer shall then be forwarded to the district director.

2. Section 157.5 is amended to read as follows:

§ 157.5 *Final disposition.* (a) If the district director, acting for the Commissioner, is satisfied, after review of the record, that the applicant is eligible for removal from the United States as provided in § 157.1, he shall enter an order of removal and issue authorization therefor on Form I–202. Upon issuance of the authorization for removal, or as soon thereafter as practicable, the applicant may be removed from the United States at Government expense. If the district director finds that the alien is not entitled to be removed, he shall deny the application and notify the Central Office on Form G–81.

(b) If the district director is in doubt as to whether the application should be granted or denied, the complete record shall be forwarded to the Commissioner for decision. The Commissioner's decision shall be transmitted to the district director, who shall advise the alien in writing of the decision and take such action as has been directed. If the Commissioner authorizes removal, the district director shall execute and issue Form I–202.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interpret or apply sec. 23, 39 Stat. 892, 50 Stat. 164; 8 U. S. C. 102)

Part 164—Permit To Reenter the United States

1. Section 164.2 is amended to read as follows:

§ 164.2 *Application; form; fee.* The application for a permit to reenter the United States shall be made, in duplicate, under oath on Form I–131, and should be submitted at least 30 days before the proposed date of departure to the appropriate Immigration and Naturalization Service field office required by § 60.30 (a) of this chapter. A separate application must be made by or for each applicant. A parent or guardian may file an application in behalf of a child who is under the age of 14 years. Each application shall be accompanied by the statutory fee of $3, remitted as required by § 60.30 (b) of this chapter. Each application shall also be accompanied by two photographs of the applicant, which shall meet the specifications prescribed therefor by § 364.1 of this chapter. The application shall include the following information with respect to the applicant (a) name currently used; (b) date, place, and manner of last recorded arrival in the United States; (c) name used at time of entry; (d) father's name and mother's maiden name; (e) age at time of entry; (f) place and date of birth; (g) name and address of person to whom destined at time of last entry; (h) personal description as of date of filing application; (i) by whom accompanied at time of last entry; (j) address in the United States, and what temporary address abroad will be; (k) marital status at the date of filing application, and if married, the name and address of spouse; (l) name of employer; and (m) port and date of proposed departure, name of vessel on which sailing, length of proposed absence, and reasons for going abroad.

2. Paragraphs (a) and (b) of § 164.3, *Action on application,* are amended to read as follows:

§ 164.3 *Action on application.* (a) An application accepted by a field office other than a district headquarters shall be examined as to execution. If it is improperly executed, it shall be returned

to the applicant with appropriate instructions. If it is properly executed, it shall be forwarded to the district director having jurisdiction over the alien's place of residence, together with the fee, photographs, and any statements taken.

(b) An application accepted by the district director shall be examined as to execution and as to the applicant's qualifications.

3. Section 164.4 is amended to read as follows:

§ 164.4 *Issuance; effect; delivery in the United States.* (a) If the district director, acting for the Commissioner, finds that the applicant has the qualifications specified in § 164.1 and that the application is made in good faith, he shall issue the permit to reenter, which shall be valid for the time thereon specified, not to exceed one year. Such permit, however, shall have no effect under the immigration laws except to show that the alien to whom it is issued is returning from a temporary visit abroad. Whenever the district director issues a reentry permit, notice of such action on Form G–81 shall be sent to the Central Office.

(b) If the district director is in doubt as to whether the application should be granted, the entire record shall be forwarded to the Commissioner for decision. If the district director is not satisfied that the application should be granted he shall deny the application for a reentry permit. The applicant shall be notified in writing of the decision with the reasons therefor and shall be advised that he has ten days from the date of notification in which he may appeal to the Commissioner. Such appeal shall be filed with the district director, who shall forward the case with the entire file to the Commissioner for decision. The Commissioner's decision shall be transmitted to the district director, who shall advise the alien thereof in writing and shall take such action as has been directed. If the Commissioner's action is favorable to the applicant, the district director shall execute and issue the reentry permit.

(c) Whenever an application for a permit to reenter the United States is denied and no appeal is taken, the Central Office shall be notified on Form G–81 and the fee shall be returned to the applicant. If the case is forwarded to the Commissioner for decision, the fee shall not be returned pending disposition of the case.

(d) The district director shall forward the permit to reenter to the office designated by the applicant, and the applicant shall secure it in person at such office prior to departure from the United States. Permits will not be delivered to one member of a family for another member or to one person for another. Before delivery of a permit is made, an immigrant inspector shall compare the photograph appearing thereon with the person calling for the permit and shall make delivery only upon satisfactory identification and a satisfactory explanation of any minor discrepancies indicated by the district director. When a permit is delivered, the applicant shall sign it. All permits shall be endorsed, partly on the photograph and partly on the permit, by the officer making delivery. If it is concluded for any reason that the permit should not be delivered, it shall be returned to the district office of origin with a report of the facts. In the event it is thereafter determined that the applicant is not entitled to receive the permit, he shall have the right of appeal prescribed by this part.

4. Section 164.5 is amended to read as follows:

§ 164.5 *Emergent cases.* In case an emergency exists necessitating the immediate issuance of a reentry permit, and the record pertaining to the alien is not in the field office where the application is submitted, telephonic or telegraphic communication may, in the discretion of the district director, be utilized to verify the entry of the applicant if he agrees to prepay the expense to be thus incurred. The information so obtained may be relied upon in determining whether a reentry permit should be issued.

5. Section 164.6 is amended to read as follows:

§ 164.6 *Extensions.* (a) If the holder of a permit to reenter desires an extension thereof, he shall, prior to the expiration of the validity of such permit, forward to the district office where the permit was issued, or, in the event that the permit was issued prior to March 1, 1950, by the Commissioner, forward to the Commissioner an application in writing stating (1) his name and address in the United States; (2) when, where, and by what means he departed from the United States; (3) port of landing and date of his arrival abroad; (4) countries visited by him in the order visited; (5) his reason for requesting an extension and period for which the extension is desired; and (6) his foreign address to which permit is to be returned. The application for extension shall be executed under oath before a United States consular officer. The application shall be accompanied by the permit to reenter and by the statutory fee of $3, which shall be remitted as required by § 60.30 (b) of this chapter and shall be payable in the United States in United States money.

(b) For good cause, the validity of a permit to reenter may be extended for a period or periods not exceeding six months each. If the application for extension is granted, such action shall be endorsed on the permit and the permit shall be mailed to the applicant at his foreign address. Extensions to the holder of a permit to reenter issued on or after March 1, 1950, may be approved by the district director who granted the permit. If the extension is granted by a district director, the Central Office shall be notified on Form G–81 of such action.

(c) If a district director is in doubt as to whether an extension should be granted, or concludes that an extension should not be granted, the entire record shall be submitted to the Commissioner for decision. The Commissioner's decision shall be transmitted to the district director. If the extension has been granted, the district director shall appropriately endorse the permit and forward it to the applicant. If the extension has been denied, the fee shall be refunded, and the permit shall be returned to the applicant if the remaining period of its validity permits its use for return to the United States.

6. Section 164.7 is amended to read as follows:

§ 164.7 *Disposition at port of entry.* (a) At the time the holder of a reentry permit applies for admission to the United States for permanent residence, he shall surrender the permit to the examining immigrant inspector. If the alien is admitted, the examining immigrant inspector shall endorse the permit in the space provided therein. In all cases in which admission is authorized, the permit shall be forwarded promptly to the Central Office for statistical recording and shall thereafter be returned to the office of issuance to be placed in the file relating to the alien.

(b) If final action results in the exclusion of a holder of a reentry permit, the permit shall be held at the port of entry until the deportation of the alien. Thereafter, the permit, endorsed with the data as to the exclusion, together with any pertinent records, shall be forwarded for disposition to the office maintaining the alien's file.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interpret or apply sec. 10, 43 Stat. 158, 62 Stat. 335; 8 U. S. C. Sup. II, 210)

PART 165—FORMAL PETITIONS AND APPLICATIONS

1. Paragraph (a) of § 165.1, *Petition for nonquota or preference quota immigration visa; requirements,* is amended by deleting therefrom the words "with the Commissioner of Immigration and Naturalization".

(Interprets or applies sec. 9, 43 Stat. 157, 50 Stat. 164; 8 U. S. C. 209)

2. Section 165.2 is amended to read as follows:

§ 165.2 *Petition for nonquota or preference quota status; where submitted; initial action; decision.* (a) The executed petition on Form I–133 shall, if the petitioner is in the United States, be submitted by the petitioner to the appropriate Immigration and Naturalization Service field office as required by § 60.30 (a) of this chapter. The petitioner may obtain advice at an office of the Immigration and Naturalization Service in preparing the required typewritten petition on Form I–133. Upon the receipt in the proper field office of a petition on Form I–133, such petition shall be examined in the field office as to execution and as to adequacy of the supporting documentary evidence. If the petition is improperly executed or if the supporting evidence is inadequate, it may be returned to the petitioner with instructions as to corrective action. If deemed necessary, the petitioner shall be interviewed relative to the petition. Upon re-

ceipt of a properly executed application and upon completion of any questioning of the petitioner, the petition shall be endorsed to show that it has been examined and shall be forwarded to the district director for decision.

(b) If the petitioner is abroad, he may obtain advice as to the execution of the petition from an American consular officer and may execute the petition before such officer in accordance with the applicable provisions of section 9 of the Immigration Act of 1924 (43 Stat. 157, 50 Stat. 164; 8 U. S. C. 209) and the applicable consular regulations. If the petitioner is abroad, he shall transmit the completed petition directly to the Commissioner of Immigration and Naturalization.

(c) In all cases in which the beneficiary of the petition is an unmarried child nearing the age of 21 years, a petition shall be submitted to the district director as provided in paragraph (a) of this section, or to the Commissioner as provided in paragraph (b) of this section, as the case may be, in sufficient time for action to be completed on the petition and for the child to obtain the immigration visa and reach the United States before the date on which he will attain the age of 21 years.

(d) If the petitioner is residing in the United States, the district director having jurisdiction over the petitioner's place of residence, acting for the Commissioner, shall have authority to approve or deny a petition for nonquota or preference-quota status. If approved, the original and duplicate copy of the petition shall be forwarded by the approving officer to the Central Office. If the petitioner is abroad, the Commissioner shall act upon the petition. In all cases of approval, the original petition shall be transmitted by the Central Office to the Visa Division of the Department of State. The petitioner shall be notified in writing of the decision, and if the petition is denied he shall have the right of appeal prescribed by paragraph (e) of this section.

(e) In any case in which the district director is in doubt as to whether a petition should be approved, he may refer the case to the Commissioner for decision. If the district director denies the petition, the petitioner shall be notified in writing of the decision and shall be advised in writing that he has ten days from the date of notification in which he may appeal to the Commissioner. If the petition is denied by the Commissioner, in the first instance or on appeal, the applicant shall have the right of appeal to the Board of Immigration Appeals as prescribed by Part 90 of this chapter. If the petitioner is residing in the United States, the decision of the Commissioner, or of the Board of Immigration Appeals, shall be transmitted to the district director, who shall advise the petitioner in writing thereof and shall take such action as has been directed. If the petitioner is abroad, and the petition is referred to the Commissioner for decision in accordance with paragraph (b) of this section, the Commissioner shall advise the petitioner in writing of the decision of the Commissioner or of the Board of Immigration Appeals.

3. Paragraph (b) of § 165.3, *Nonquota or preference-quota status; automatic revocation; reconsideration and revocation*, is amended to read as follows:

(b) Approval of a petition for nonquota or preference-quota status may for cause be revoked by the official who approved the petition. In no case, however, shall revocation have effect unless the petitioner is notified of the proposed revocation and is afforded an opportunity to refute the evidence on which it is predicated and unless notice of the revocation is communicated through the Department of State and the appropriate consular officer to the beneficiary before he commences his journey to the United States. If revocation is not accomplished in such fashion and the beneficiary applies for admission to the United States, the question of his admissibility shall be determined upon examination before an immigrant inspector or before a board of special inquiry. Approvals may be reconsidered on request of the consular officer considering the application for the immigration visa or where the propriety of reconsideration is otherwise brought to the attention of the Service. Revocations under this paragraph shall be appealable to the Commissioner and the Board of Immigration Appeals as prescribed by § 165.2 (e) and under Part 90 of this chapter.

(Interprets or applies sec. 9, 43 Stat. 157, 50 (Stat. 164; 8 U. S. C. 209)

4. Section 165.20 is amended to read as follows:

§ 165.20 *Verification of arrival of lawfully resident alien relative of applicant for visa.* In order that American consuls may be advised whether the husband, father, or mother of an alien applying for a visa under section 6 (a) (2) of the Immigration Act of 1924 (43 Stat. 155, 45 Stat. 1009; 8 U. S. C. 206), or any other relative of an applicant for a visa, has been lawfully admitted to the United States for permanent residence, Form I–475 shall be furnished to the husband, father, mother, or interested relative upon request therefor. The form shall be completed and submitted to the district director having jurisdiction over such person's place of residence. The district director shall verify the applicant's arrival from existing records. In every case in which a record is found the certification on the reverse of Form I–475 shall be executed by the verifying officer. A statement shall be made under "Remarks" to show the character of admission and any discrepancies observed between the statements in Form I–475 and the facts shown by the record of admission. Form I–475 shall be mailed by the district director to the Visa Division, Department of State, Washington, D. C., for transmittal to the appropriate American consul abroad. The date of verification and the consulate to which the form is to be sent shall be noted on the record of admission. If no record of the alleged arrival can be found, Form I–475 shall be returned to the applicant with a statement to that effect, unless investigation is deemed necessary to determine the need for further action by the Immigration and Naturalization Service.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

PART 170—REGISTRATION AND FINGERPRINTING OF ALIENS IN ACCORDANCE WITH THE ALIEN REGISTRATION ACT, 1940

1. Paragraph (c) of § 170.4, *Method of registration*, is amended to read as follows:

(c) *Forms for registration and fingerprinting.* The registration and fingerprinting pertaining to visa applicants abroad shall be as prescribed by regulations of the Secretary of State. Any alien required to be registered in the United States, unless otherwise provided in this part, shall be registered on Form AR–2 and, in appropriate cases, on Form AR–2a (for supplemental information, to be made a part of Form AR–2), and shall be fingerprinted on Form AR–4.

2. Paragraph (f) of § 170.4 is amended to read as follows:

(f) *Forms for fingerprinting.* The registration officer shall take the complete fingerprints of each alien who is required to be fingerprinted in the space provided for that purpose on Form AR–4 and shall take an imprint of the alien's right index finger in the space provided therefor on Form AR–2. A parent or guardian registering on behalf of an alien need not be fingerprinted.

3. Paragraph (g) of § 170.4 is amended to read as follows:

(g) *Forms, signed and sworn to by registrant, or parent or guardian.* The registration forms must be personally signed and sworn to or affirmed by the registrant, or his parent or guardian, before a registration officer.

4. Paragraph (o) of § 170.4 relating to the use of Form AR–3 is revoked.

5. Paragraph (p) of § 170.4 is amended to read as follows:

(p) *Receipt of registration; necessity for compliance.* (1) Immigrants lawfully admitted to the United States for permanent residence shall receive Form I–151 as an alien registration receipt card under the procedure provided for in § 108.6 of this chapter. In the case of a legally resident alien who is registered and fingerprinted in the United States on or after March 1, 1950, his registration form shall be forwarded to the Central Office, where a docket card will be drawn up, an alien number assigned, and Form I–151 prepared and transmitted to the field office for delivery to the alien. The case of an alien who has not been lawfully admitted for permanent residence and who is registered on or after March 1, 1950, shall be handled in the same manner with the exception that Form I–151 shall not be issued to him. As to aliens admitted as non-

quota immigrant students or as nonimmigrants other than alien seamen admitted to the United States under section 3 (5) of the Immigration Act of 1924, Form I–94 or Form 257a, whichever is appropriate, shall constitute evidence of their compliance with the Alien Registration Act, 1940.

(2) The issuance of a receipt card or its equivalent shall not relieve the alien, or his parent or guardian, from full compliance with any and all laws and regulations of the United States now existing or hereafter made concerning aliens; nor shall it be construed to confer upon the alien, or his parent or guardian, immunity from any liability, penalty, or punishment incurred by the alien, or his parent or guardian, for violation of any law of the United States either before or after its issuance.

6. Paragraph (q) of § 170.4 is amended to read as follows:

(q) *Lost receipts, affidavit under oath and proof thereof, duplicate receipt issued.* A receipt shall not be issued to any person who has already obtained one unless he surrenders his former receipt, except in case of loss, mutilation, or destruction of the original receipt, in which event it may be replaced in accordance with § 170.9. No person shall use a receipt relating to any other person (except in behalf of his minor child or ward). If the alien is naturalized, dies, permanently departs, or is deported from the United States, or if a lost receipt card is found, the card shall be taken up, properly endorsed, and forwarded to the office maintaining the alien's file. If doubt exists as to the location of the file, the receipt card shall be transmitted to the Central Office for appropriate disposition.

7. Paragraph (a) of § 170.5, *Disposition of registration forms and fingerprints*, is amended to read as follows:

§ 170.5 *Disposition of registration forms and fingerprints*—(a) *Filing.* Form AR–2 shall be retained in the alien's consolidated file. Form AR–4 shall be forwarded by the district director to the Central Office for transmittal to the Federal Bureau of Investigation, Washington, D. C.

8. Section 170.6 is amended to read as follows:

§ 170.6 *Notice of change of residence and address of resident aliens.* Whenever any registered alien who is a permanent resident in the United States shall change his place of residence, he (or, in the case of an alien under fourteen years of age, his parent or guardian) shall report such change within five days to the Commissioner, Immigration and Naturalization Service, Washington, D. C. A change of residence shall mean only a change of permanent dwelling place. The alien (or his parent or guardian) may report this information upon Form AR–11.

9. Paragraphs (a) and (b) of § 170.9, *Replacement of lost, mutilated, or destroyed receipt card*, are amended to read as follows:

§ 170.9 *Replacement of lost, mutilated, or destroyed receipt card.* (a) Any alien lawfully admitted to the United States for permanent residence whose alien registration receipt card has been lost, mutilated, or destroyed, may apply for a new receipt card in lieu thereof. If a receipt card has been mutilated, it must be surrendered before a new card is issued. The application shall be made under oath or affirmation, on Form AR–16 and shall be submitted, together with two photographs of the alien which shall meet the specifications prescribed therefor by § 364.1 of this chapter, to the appropriate Immigration and Naturalization Service field office as required by § 60.30 (a) of this chapter. The application shall be accompanied by a fee of one dollar in accordance with section 342 (b) (8) of the Nationality Act of 1940, remitted as required by § 60.30 (b) of this chapter. Applications for replacement of lost, mutilated, or destroyed receipt card from aliens who have not been lawfully admitted for permanent residence shall be denied and such action shall be taken in the case as may be deemed appropriate. Upon denial of any application, the fee shall be refunded to the applicant.

(b) When an application for a new receipt card is received, an investigation shall be conducted by an officer of the Immigration and Naturalization Service, if necessary, for the purpose of determining whether or not the application should be granted. The officer considering the case shall submit a report in writing to the district director for consideration and decision on the application.

10. Paragraph (c) of § 170.9, relating to the handling of applications for new receipt cards, is revoked.

11. Paragraph (d) of § 170.9 is amended to read as follows:

(d) Upon consideration of the application and record, the district director may, if satisfied that the original receipt has been lost, mutilated or destroyed, and that the applicant has been lawfully admitted for permanent residence, issue a new receipt card on Form I–151, which shall be mailed to the alien. Form I–151 shall be utilized as the new receipt card notwithstanding that the card which is alleged to be lost, mutilated, or destroyed, was issued originally on Form AR–3. The district director shall place thereupon the proper registration number, affix the alien's photograph, and mark the form to show that it is a duplicate of an original receipt card which has been lost, mutilated, or destroyed. The new receipt card on Form I–151 shall be mailed directly to the alien by the district director. If the district director is satisfied that a duplicate receipt card should not be issued, he shall deny the application and take whatever action is deemed appropriate under existing laws and regulations.

12. Paragraph (e) of § 170.9, relating to the mailing of duplicate receipt cards, is revoked.

13. Paragraph (f) of § 170.9 is amended to read as follows:

(f) Any alien child who has been lawfully admitted for permanent residence and who desires to obtain a new registration receipt card in lieu of a lost, mutilated, or destroyed original may, if the alien is less than fourteen years of age at the time application is made, obtain a new card through the procedure specified in this section. In any such case the application for a new card shall be executed by the child's parent or guardian, preferably the same person who made application for the original registration. When required, the testimony of the parent or guardian instead of that of the child shall be obtained; and the new receipt card, if issued, shall be delivered to the parent or guardian. In any such case in which no parent or guardian is available, the matter shall be reported to the district director having jurisdiction over the case for instructions concerning the procedure to be followed in replacing the original receipt card.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interprets or applies secs. 30–38, 54 Stat. 673–676; 8 U. S. C. 451–459)

PART 360—DUTIES OF CLERKS OF NATURALIZATION COURTS

1. The headnote of Part 360 is amended to read as set forth above.

2. Section 360.3 is amended to read as follows:

§ 360.3 *Monthly reports; copies of records; when and to whom sent.* Unless otherwise directed by proper authority, clerks of courts shall, except as hereinafter stated in this section, on the first day of each month, forward to the district director or officer in charge, all duplicates of declarations of intention and of petitions for naturalization filed during the preceding month, together with a report on Form N–4, in duplicate, showing the serial numbers of such declarations and of petitions filed during the preceding month, the names and sex of the petitioners, and the approximate dates for final hearing. When at any time during the month the number of declarations and petitions filed reaches 100 in the aggregate, the clerk shall, on request of the district director or officer in charge, forthwith forward such duplicates and report as provided in this section. Clerks of courts shall also include on Form N–4 a list of the inclusive numbers of all certificates of naturalization issued during the preceding month, and the duplicates of such certificates, with their stubs intact and with the alien registration receipt cards to which reference is made in § 377.3 of this chapter, shall be forwarded to the district director or officer in charge.

(Interprets or applies sec. 337, 54 Stat. 1158; 8 U. S. C. 737)

3. Section 360.4 is amended to read as follows:

§ 360.4 *Disposition to be made of clerk's report and accounting.* Upon receipt by the field officer concerned of the monthly reports upon Form N–4 and the accompanying papers, such docu-

ments shall be stamped so as to show the date of receipt. Such papers shall be examined in all cases at the local field office of the Service and appropriate action taken and record made therefrom. Thereafter, the original report on Form N–4 shall be transmitted to the Central Office. The duplicate report on Form N–4 shall be retained in the district office, or sub-office, which received it. The duplicate copy of the declaration of intention or petition for naturalization shall be retained in the file of the alien at the office of the district director or the officer in charge having jurisdiction over the alien's place of residence. If it is necessary for the field officer to return a duplicate naturalization paper to the clerk of court for correction, a copy of the letter to the clerk returning such paper shall be sent with the other papers, if there be any, to the office of such district director for his information. The other duplicate papers shall not be held awaiting the return of the corrected papers from the clerk of court, but shall be forwarded to the district director immediately after all records have been made. The corrected paper bearing the "received" stamp of the field office, as of the last date of receipt, shall be forwarded to the district director when received from the clerk of court. The duplicates and report referred to in this section shall be sent by registered mail and plainly marked "Official Business".

(Interprets or applies sec. 337, 343, 54 Stat. 1158, 1163; 8 U. S. C. 737, 743)

4. The fourth sentence of paragraph (b) of § 360.9, *Report of and accounting for spoiled and void papers*, is amended to read as follows: "A request by such petitioner that his petition be marked 'void' shall be addressed to the district director in duplicate."

(Interprets or applies sec. 337, 54 Stat. 1158; 8 U. S. C. 727)

(Sec. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727)

PART 361—OFFICIAL FORMS

1. Section 361.8 is amended to read as follows:

§ 361.8 *Discrepancies, corrections, or amendments in declarations of intention or petitions for naturalization.* Any material discrepancies in a declaration of intention or proposed amendments to a petition for naturalization shall be brought formally to the attention of the court for appropriate action at the final hearing upon the petition for naturalization. Except as authorized by §§ 325.2 of this chapter, 361.6, and 361.7, no requests or suggestions to clerks of courts to make corrections in a declaration of intention or petition for naturalization shall be made by any member of the Immigration and Naturalization Service. When the court orders a petition for naturalization, or the declaration of intention filed with and made a part of such petition, amended at the final hearing, the amendatory order shall be prepared in duplicate, and the original of such order filed with the original petition, and the duplicate copy transmitted to the district director.

(Interprets or applies secs. 331, 332, 334, 54 Stat. 1153, as amended, 1154, as amended, 1157, as amended; 8 U. S. C. and Sup., 731, 732, 734)

2. Paragraph (a) of § 361.9, *Amendment of petition for naturalization or certificate of naturalization after final action by the court*, is amended to read as follows:

§ 361.9 *Amendment of petition for naturalization or certificate of naturalization after final action by the court*—(a) *Petition for naturalization.* Whenever an application is made to the naturalization court for amendment of a petition for naturalization after the petition for naturalization has been granted, the facts shall be reported, with appropriate recommendation, to the district director for consideration and instruction as to the position to be taken by the Service when such application comes before the court for disposition. In the absence of instructions from the district director, the representative of the Service shall oppose all applications to any court for amendments which affect either the jurisdiction of the court or the judgment of naturalization. No objection shall be made to a proposed amendment to a petition for naturalization to correct a clerical mistake or an error therein arising from an oversight or omission on the part of the clerk of court or the Service. The Service shall be governed by the rules of the court in which the petition for naturalization is filed in determining whether the petition to amend the petition for naturalization is timely. The district director shall notify the Cenral Office of any such amendment, showing the number and date of the original certificate and the date and nature of the correction.

(Interprets or applies secs. 331, 332, 336, 54 Stat. 1153, as amended, 1154, as amended, 1157, 61 Stat. 121; 8 U. S. C. and Sup., 731, 732, 736, rules 6, 60 following 28 U. S. C. 723c)

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727)

PART 362—REGISTRY OF ALIENS UNDER NATIONALITY ACT OF 1940

1. Section 362.1 is amended to read as follows:

§ 362.1 *Who may be registered.* Any alien not ineligible to citizenship in whose case there is no record of lawful admission to the United States for permanent residence, who establishes in accordance with this part that he (a) entered the United States prior to July 1, 1924, (b) has resided in the United States continuously since such entry, (c) is a person of good moral character, and (d) is not subject to deportation, may have a record of his entry made upon payment of the statutory fee of $18.

2. Section 362.3 is amended to read as follows:

§ 362.3 *Attorneys.* Attorneys and other persons qualified to practice before the Service who represent applicants for registry shall be permitted upon completion of the application and examination of the applicant and his witnesses to submit briefs and to review the record, either before it is forwarded to the district director or thereafter and prior to final decision. Upon sufficient notice by them, they shall be given opportunity to present oral argument before the Central Office in the event the Central Office acquires jurisdiction of a case as provided in this part. When final decision is made in a case, the attorney or other person representing the applicant shall be notified.

3. Section 362.7 is amended to read as follows:

§ 362.7 *Facts essential to be established.* It must be established to the satisfaction of the district director, acting for the Commissioner, (a) that the applicant is an alien not ineligible to citizenship; (b) that there is no record of the entry upon which his application must be based, as determined by § 362.5, (c) that such entry occurred prior to July 1, 1924; (d) that he has resided continuously in the United States since such entry or at least prior to July 1, 1924; (e) that he is a person of good moral character, as determined from evidence of his conduct for a reasonable period next preceding the date of his examination, which period ordinarily should not be more than five years, and (f) that he is not subject to deportation.

4. Section 362.10 is amended to read as follows:

§ 362.10 *Record, recommendation, review, and disposition.* (a) Upon completion of the examination, the examining officer shall prepare a report of his findings on Form N–125 (Findings in Application for Registry) as to each of the essential facts to be established as prescribed by § 362.7, together with his recommendation and any comment he deems necessary. If denial of the application is recommended, a statement shall be made of the supporting grounds and reasons therefor. If recommendation is made that the application be granted and such action is based primarily on other than documentary evidence, a brief statement of the facts and circumstances in evidence considered sufficient to justify such action shall be made. If recommendation to grant the application is based principally on documentary evidence, that fact shall be stated. The record, supporting documents, and photographs, and the findings and recommendation of the examining officer shall then be forwarded to the district director.

(b) If the district director, acting for the Commissioner, is satisfied, after a review of the record, that the application for registry should be granted, he shall prepare and execute Form N–130 (Record of Investigation of Applicant for Registry) in duplicate. Thereupon, he shall enter an order on Form N–130 granting the application for registry. The Central Office shall be notified on Form G–81 of the action taken.

(c) If the district director is in doubt as to whether the application should be granted, the complete record in the case shall be forwarded to the Commissioner for decision.

(d) Upon the granting of such application, the original of Form N–130 shall

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be retained in the office of the district director having jurisdiction over the alien's place of residence, and the duplicate shall be forwarded to the officer in charge of the district where the entry occurred. That officer shall consummate the registry by making the duplicate copy of Form N–130 a part of the records of the port through which, or the port nearest to the place where, the alien entered the United States. If the entry occurred in the district in which the application was filed, the original and duplicate of the Form N–130 shall be retained in that district.

(c) If the district director is not satisfied that the application should be granted he shall deny the application. The applicant shall be notified in writing of the decision with the reasons therefor and, at the same time, shall be advised that he has ten days from the date of notification of decision in which he may appeal to the Commissioner. If an appeal is taken it shall be filed with the district director, who shall forward the complete record to the Commissioner for decision. If no appeal is taken, the Central Office shall be notified on Form G–81 of the action taken by the district director.

5. Section 362.11 is amended to read as follows:

§ 362.11 *Decision by Commissioner; procedure.* Upon acquiring jurisdiction over an application for registry pursuant to § 362.10, the Commissioner shall enter a final order granting or denying the application. Notice of the Commissioner's decision shall be sent to the district office of origin, and at the same time the file relating to the alien shall be returned to the field office. If the application is granted by the Commissioner, the district director, acting for the Commissioner, shall prepare and execute Form N–130 in duplicate, showing that the application has been granted. Form N–130 shall be disposed of in accordance with the provisions of § 362.10 (d). The district director shall advise the alien in writing of the Commissioner's decision. If the application is denied on the ground that applicant is subject to deportation, the district director shall take whatever action is deemed necessary or appropriate under existing laws and regulations.

6. Section 362.12 is amended to read as follows:

§ 362.12 *Alien registration receipt card; delivery.* In any case in which the application is granted, a new alien registration receipt card on Form I–151, showing that the applicant has acquired the status of a lawfully permanent resident alien, shall be issued and mailed to the applicant by the district director. If the applicant is in possession of any other document evidencing compliance with the Alien Registration Act, 1940, he shall be required to surrender it.

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727. Interpret or apply secs. 328, 342, 54 Stat. 1152, 1161; 8 U. S. C. 728, 742)

PART 363—CERTIFICATE OF ARRIVAL

1. Section 363.1 is amended to read as follows:

§ 363.1 *Official form of certificate of arrival; contents; by whom issued.* The certificate of arrival required by the Nationality Act of 1940 shall be issued only by the Immigration and Naturalization Service, and shall show the date, place, and manner of arrival, and whether lawful entry for permanent residence was made, as shown by the record of arrival. Such certificates of arrival shall be issued only on Form N–225 or N–230, whichever is appropriate.

2. Section 363.4 is amended to read as follows:

§ 363.4 *Petitioners who are exempt from requirement of certificate of arrival.* The following-described persons may file petitions for naturalization without the issuance of a certificate of arrival: (a) Persons who entered the United States for permanent residence on or prior to June 29, 1906; (b) petitioners under sections 317 (a) (b) (c), 318, 322, 323, 324, and 325 (a) of the Nationality Act of 1940; and (c) petitioners under subsection (a) of section 324A of the Nationality Act of 1940, as amended.

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727. Interpret or apply secs. 329, 332, 54 Stat. 1152, 1156; 8 U. S. C. 729, 732)

PART 365—DECLARATION OF INTENTION

1. Section 365.3 is amended to read as follows:

§ 365.3 *Prerequisites to filing.* No declaration of intention shall be executed or issued by any clerk of court for any applicant until such applicant has reached the age of eighteen years, or for any applicant who arrived in the United State after June 29, 1906, until a certificate of applicant's lawful entry into the United States for permanent residence has been issued in accordance with Part 363 of this chapter.

2. Section 365.5 is amended to read as follows:

§ 365.5 *Disposition.* The original of such declaration shall be retained and filed of record by such clerk of court, and the duplicate declaration with Form N–225, or N–230, and the Form N–300 shall be forwarded to the proper district director or officer in charge on the first day of the month following the month in which the declaration is filed, and the triplicate shall be delivered forthwith to the alien.

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727. Interpret or apply secs. 329, 331, 337, 54 Stat. 1152, 1153, as amended, 1158; 8 U. S. C. and Sup. 729, 731, 737)

PART 370—PETITION FOR NATURALIZATION

Section 370.4 is amended to read as follows:

§ 370.4 *Verification of petition for naturalization; proof of residence, good moral character, and other requirements.* Every petition for naturalization, except where the petitioner has been granted special exemption by law from the usual requirements as to residence, shall, before it is filed, be verified by the affidavits of two credible witnesses, citizens of the United States, who shall appear in person before a designated examiner or before the clerk of the court exercising jurisdiction or his authorized deputy (whichever administers the oaths to the petition) and who shall have and aver knowledge of the petitioner at each place of his residence in the State where he is then residing during the period of at least six months immediately prior to the filing of the petition. If the petitioner has resided at two or more places in the State during such six months' period, and for this reason two witnesses cannot be procured to verify the petition as to all such residence, additional witnesses may be used but their affidavit shall be executed in duplicate on Form N–451, one copy of which shall be attached to the original petition and the other to the duplicate petition at the time of filing the petition. Each of the witnesses named in this section shall state in his affidavit that he has personally known the petitioner to have been a resident at such place for such period and that the petitioner was, during all such time, a person of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States.

(Sec. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727. Interprets or applies secs. 307, 309, 332, 333, 54 Stat. 1142, 1143, 1154, as amended, 1156; 8 U. S. C. and Sup., 707, 709, 732, 733)

PART 377—CERTIFICATE OF NATURALIZATION

Section 377.3 is amended to read as follows:

§ 377.3 *Endorsement on stub of certificate of alien registration number.* The clerk of court, before delivering a certificate of naturalization to a naturalized person, shall obtain from such person his alien registration receipt card. The clerk shall endorse the alien registration number on the stub of the duplicate certificate and shall forward the receipt card to the district director having jurisdiction over the place where the court is located. The latter shall forward the receipt card to the district director having jurisdiction over the naturalized person's place of residence. No certificate of naturalization shall be delivered to any naturalized person unless and until such person has surrendered his alien registration receipt card, unless specific authority for such delivery has been given by the district director.

(Sec. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727)

PART 379—CERTIFICATES OF CITIZENSHIP UNDER SECTION 339 OF THE NATIONALITY ACT OF 1940, AS AMENDED

1. The headnote of Part 379 is amended to read as set forth above.

2. Section 379.1 *Who may apply for certificate of citizenship,* is amended by

deleting therefrom the words "to the Commissioner".

3. Section 379.3 is amended to read as follows:

§ 379.3 *Attorneys.* Attorneys and other persons qualified to practice before the Service who represent applicants for certificates of citizenship under section 339 of the Nationality Act of 1940, as amended, shall be permitted, upon completion of the application and examination of the applicant and his witnesses, to submit briefs and to review the record, either before it is forwarded to the district director or thereafter and prior to final decision. Upon sufficient notice by them, they shall be given opportunity to present oral argument before the Central Office in the event the Central Office acquires jurisdiction of a case as provided in this part. When final decision is made in a case, the attorney or other person representing the applicant shall be notified.

4. Section 379.5 is amended to read as follows:

§ 379.5 *Proof.* The applicant shall establish to the satisfaction of the district director, acting for the Commissioner, that he is a citizen of the United States, that he derived such citizenship through the naturalization of a parent or parents or through the naturalization or citizenship of a husband, or that he acquired such citizenship through birth outside the United States at a time when his parent or parents were citizens of the United States, or that citizenship was conferred upon him by the act of May 7, 1934, as amended (48 Stat. 667, 61 Stat. 414; 8 U. S. C. 601).

5. Section 379.6, *Examination and evidence,* is amended by substituting the words "district director" for the words "Central Office" occurring in the last sentence thereof.

6. Section 379.7 is amended to read as follows:

§ 379.7 *Record; recommendation; review; issuance of certificate.* (a) Upon completion of the examination, the examining officer shall prepare a report of his findings on Form N–635 or Form N–635–A as to each of the essential facts to be established in the proceeding, together with his recommendation and any comment he deems necessary. If any issue of law or fact is raised by the evidence, the examining officer shall summarize the evidence and prepare a report thereon to accompany Form N–635 or Form N–635–A. If the original documents were returned to the applicant at the conclusion of the examination, the examiner shall place a notation on Form N–635 or Form N–635–A showing that the copies were compared with such original documents and were found satisfactory and that the original documents were returned to the applicant. If denial of the application is recommended, a statement shall be made of the supporting grounds and reason therefor. If the recommendation to grant the application is based principally on documentary evidence, that fact shall be stated; if not, a brief statement of the facts and circumstances in evidence considered sufficient to justify action recommended shall be made. The recommendation of the examining officer shall then be forwarded to the district director.

(b) If the district director, acting for the Commissioner, is satisfied from the record that the applicant is entitled to receive a certificate of citizenship, the certificate shall be issued by the district director, acting for the Commissioner.

(c) If the district director is in doubt as to whether the application should be granted, the complete record in the case shall be forwarded to the Commissioner for decision.

(d) If the district director is not satisfied that the application should be granted, he shall deny the application. The applicant shall be notified in writing as promptly as possible of the decision with the reasons therefor and, at the same time, shall be advised that he has ten days from the date of notification in which he may appeal to the Commissioner. Such appeal shall be filed with the district director who shall forward the complete record in the case to the Commissioner for decision. If no appeal is taken, the Central Office shall be notified on Form G–81 of the action taken by the district director.

(e) Upon acquiring jurisdiction over an application for a certificate of citizenship pursuant to this part, the Commissioner shall enter a final order granting or denying the application. Notice of the Commissioner's decision shall be sent to the district office of origin, and at the same time the file relating to the applicant shall be returned to the field office. If the application is granted by the Commissioner, the district director, acting for the Commissioner, shall issue the certificate of citizenship. The district director shall advise the alien in writing of the Commissioner's decision.

7. Section 379.8, *Final disposition,* is amended by deleting the first sentence thereof.

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727. Interpret or apply sec. 339, 54 Stat. 1160, 58 Stat. 4, 61 Stat. 414; 8 U. S. C. and Sup., 601 note, 739)

PART 382—NATURALIZATION PAPERS REPLACED; NEW CERTIFICATE IN CHANGED NAME

1. Section 382.4 is amended to read as follows:

§ 382.4 *Application for new papers; action by field office; proofs.* An application submitted under this part shall be examined in the field office for defects in execution and, if necessary, shall be returned with the money order and all supporting papers to the applicant for correction. The field office shall forward a properly executed application for a new naturalization or citizenship paper to the Commissioner for decision. Application for a new declaration of intention shall be forwarded for decision to the district director having jurisdiction over the alien's place of residence. An applicant may be interrogated with respect to his eligibility to receive a new paper at any time prior to delivery of such paper. All mutilated naturalization papers shall be surrendered to the Service. In the case of an application for a new certificate in a changed name, the application shall be accompanied by appropriate documentary evidence of such change. Every applicant for a certificate under this part shall satisfy the Service that he has not become expatriated subsequent to the date he claims to have acquired United States citizenship.

2. Section 382.5 is amended to read as follows:

§ 382.5 *New papers; by whom issued; forms; numbering.* (a) If the application for a new citizenship or naturalization certificate is approved, the new naturalization or citizenship certificate shall be issued by the Commissioner or a Deputy Commissioner and not by the clerk of court. If the application for a new declaration of intention is approved, the new declaration of intention shall be issued by the district director, acting for the Commissioner, and not by the clerk of court. Any new declaration of intention shall be upon Form N–321, or Form N–323, and any new certificate of naturalization or of citizenship shall be upon Form N–570. The new paper shall be numbered to correspond with the number of the paper which it replaces. Certificates issued to evidence naturalizations which occurred prior to September 27, 1906, shall be consecutively numbered, the number in each instance being preceded by the letters "OL".

(b) If denial of the application for a new declaration of intention is recommended, the reasons therefor shall be given. The supporting documents, photographs, and the findings and recommendation of the examining officer shall be then forwarded to the district director.

(c) If the district director is in doubt as to whether such application shall be granted, the complete record in the case shall be forwarded to the Central Office for decision.

(d) If the district director is not satisfied that the application should be granted, he shall deny the application. The applicant shall be notified in writing of the decision with the reasons therefor, and at the same time shall be advised that he has ten days from the date of notification of decision in which he may appeal to the Commissioner. If an appeal is taken, it shall be filed with the district director, who shall forward the complete record in the case to the Commissioner for decision. If no appeal is taken, the Central Office shall be notified on Form G–81 of the action by the district director.

(e) Upon acquiring jurisdiction over an application for a new declaration of intention pursuant to this section, the Commissioner shall enter a final order granting or denying the application. Notice of the Commissioner's decision shall be sent to the district office of origin, and at the same time the file relating to the applicant shall be returned to the field office. If the application is granted by the Commissioner, the district director, acting for the Commissioner, shall issue the new declaration of intention. The district director shall advise the applicant in writing of the Commissioner's decision.

(Sec. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727. Interpret or apply secs. 341, 342, 54 Stat. 1161, 58 Stat. 755; 8 U. S. C. 741, 742)

This order shall become effective on March 1, 1950. The requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date are inapplicable for the reason that the regulations prescribed pertain solely to agency management.

WATSON B. MILLER,
Commissioner,
Immigration and Naturalization.

Approved: January 27, 1950.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 50-912; Filed, Feb. 1, 1950; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52395]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

PART 22—DRAWBACK

PART 25—CUSTOMS BONDS

MISCELLANEOUS AMENDMENTS

1. Section 4.14 (k), Customs Regulations of 1943, is hereby amended by deleting "Commissioner's" from the fourth sentence and substituting in lieu thereof "Bureau's".

2. Sections 19.13 (a), 19.17 (c), (e), and (f), 19.18, 19.26, 22.4 (e), (j), and (o), 22.6 (b) (15), 22.9 (b) second sentence, 22.10 (b), 22.16 (a), 22.21 (c), 22.41, 25.1, 25.3, headnote, 25.3 (a), (a) (1), (3) first and second sentences, and (4), 25.6 (a), 25.8 (a) and (c), and 25.12 (c), Customs Regulations of 1943, are amended by deleting the words "Commissioner" or "Commissioner of Customs", as the case may be, and inserting in lieu thereof the word "Bureau".

3. Section 22.10 (b), Customs Regulations of 1943, is further amended by deleting the word "his" where it first appears therein and inserting in lieu thereof the word "its".

NOTE 1: Amendments to Part 4 issued under R. S. 161,251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3.

NOTE 2: Amendments to Part 19 issued under R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624.

NOTE 3: Amendments to Part 22 issued under sec. 624, 46 Stat. 759; 19 U. S. C. 1624.

NOTE 4: Amendments to Part 25 issued under R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: January 26, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-918; Filed, Feb. 1, 1950; 8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

COSTS CHARGEABLE IN CONNECTION WITH RELABELING AND RECONDITIONING INADMISSIBLE IMPORTS

Pursuant to the authority vested in the Federal Security Administrator and the Secretary of the Treasury under sections 701 (b) and 801 (c) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by Public Law 360, 81st Congress, 1st Session), the regulations for enforcing section 801 (21 CFR 1.302–1.312) are amended by the addition of the following new section:

§ 1.313 *Costs chargeable in connection with relabeling and reconditioning inadmissible imports.* The cost of supervising the relabeling or other action in connection with an import of food, drugs, devices, or cosmetics which fails to comply with the Federal Food, Drug, and Cosmetic Act shall be paid by the owner or consignee who files application requesting such action and executes a bond, pursuant to section 801 (b), as amended. The cost of such supervision shall include, but not be restricted to, the following:

(a) Travel expenses of the supervising officer.

(b) Per diem in lieu of subsistence of the supervising officer when away from his home station, as provided by law.

(c) Services of the supervising officer, to be calculated at a flat rate of $3.00 per hour (which shall include administrative expenses), except that such services performed by a customs officer and subject to the provisions of section 5 of the act of February 13, 1911, as amended (19 U. S. C. 267), shall be calculated as provided in that act.

(d) Services of anaylst, to be calculated at a flat rate of $3.50 per hour (which shall include the use of the chemical laboratories and equipment of the Food and Drug Administration).

These regulations shall become effective upon the date of their publication in the FEDERAL REGISTER, since by Public Law 360, 81st Congress, effective October 18, 1949, the cost for supervising the reconditioning of imports of foods, drugs, devices, or cosmetics was placed upon the owner or consignee.

Notice and public procedure are not necessary prerequisites to the promulgation of this order since the amendment involves establishment of rates to be charged for designated services based on the actual cost to the Government.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 801, 52 Stat. 1058, as amended; 21 U. S. C. and Sup., 381)

[SEAL] OSCAR R. EWING,
Federal Security Administrator.

JANUARY 27, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

DECEMBER 22, 1949.

[F. R. Doc. 50-913; Filed, Feb. 1, 1950; 8:53 a. m.]

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, and Public Law 164, 81st Cong.; 21 U. S. C. 357), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq.; 14 F. R. 5006) are amended as indicated below:

1. In § 146.26 *Penicillin ointment*, subparagraph (2) (i) of paragraph (c) *Labeling* is amended to read as follows:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)," unless it is labeled with an expiration date which is not more than 9 months after the month during which the batch was certified, except if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for 12 months at room temperature such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section it may be labeled with an expiration date which is 12 months after the month during which the batch was certified.

2. In § 146.30 *Penicillin troches* * * * subparagraph (1) (iii) of paragraph (c) *Labeling* is amended to read as follows:

(iii) The statement "Expiration date _____," the blank being filled in, if crystalline sodium, potassium, or procaine penicillin is used, with the date which is 12 months after the month during which the batch was certified; except if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for 18 months at room temperature such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section, the blank shall be filled in with the date which is 18 months; or if crystalline sodium, potassium, or procaine penicillin is not used, with the date which is 9 months after the month during which the batch was certified.

3a. In § 146.102 *Streptomycin ointment* subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the figure "9" to "12."

b. In § 146.102, paragraph (c) (2) is amended by deleting subdivision (i) and by renumbering subdivisions (ii) and (iii) as (i) and (ii), respectively.

4a. In § 146.201 *Aureomycin hydrochloride* * * *, the last sentence of paragraph (b) *Packaging* is amended to read as follows: "In case it is intended for intravenous use, it shall be packaged in immediate containers of colorless, transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each such container shall contain not more than 1.0 gm., and each shall contain one or more suitable and harmless diluents, or each shall be pack-

aged in combination with a container of a suitable and harmless diluent."

b. In § 146.201, subparagraph (1) of paragraph (c) *Labeling* is amended by deleting the word "and" at the end of subdivision (iii), by changing the period at the end of subdivision (iv) to "; and", and by adding the following new subdivision:

(v) If it is packaged for intravenous use and contains a diluent, the name and quantity of each diluent contained in each immediate container.

5. In § 146.405 *Bacitracin with vasoconstrictor* subparagraph (2) (iv) of paragraph (c) *Labeling* is amended by changing the statement "The solution may be kept in a refrigerator for 1 week without significant loss of potency." to read "The solution may be kept at room temperature for 1 week without significant loss of potency."

This order, which provides for the removal of the refrigeration requirement for penicillin ointment labeled with an expiration date of 12 months, provided the person who requests certification has shown that the drug as prepared by him is stable for such time period after having been stored at room temperature; for increasing the expiration date of penicillin troches to 18 months for those manufacturers who have shown that such troches as prepared by them are stable for such time period after having been stored at room temperature; for changing the expiration date of streptomycin ointment from 9 months to 12 months and removing the refrigeration requirement for such ointment; for revision of the packaging requirements for aureomycin, if intended for intravenous use, by providing for a package that contains a mixture of aureomycin and one or more suitable diluents; for revision of the labeling requirements for aureomycin, containing diluents, intended for intravenous use, to require such labels to bear the name and quantity of each diluent contained in each immediate container; and for deleting the refrigeration requirements for solutions of bacitracin with vasoconstrictor, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will be benefited by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay the effective date of the aforesaid amendments.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup., 357)

Dated: January 27, 1950.

[SEAL] OSCAR R. EWING, *Administrator.*

[F. R. Doc. 50-911; Filed, Feb. 1, 1950; 8:53 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

TERMINATION OF CONTRACT OF INSURANCE

Section 222.17 (a) (2) is amended by striking the period at the end thereof and adding the following:

And provided further, That this subparagraph shall not be applicable to any participation in a mortgage by one or more banks or trust companies pursuant to an agreement entered into prior to the insurance of such mortgage under which such institutions participate in the advance of construction funds in contemplation of reimbursement from the proceeds of the sale of the insured mortgage, and such participation may continue for such period of time after the insurance of the mortgage as may be required to execute the purposes of such agreement, provided the mortgagee presenting the mortgage for insurance is entitled to all the rights and is bound by all the obligations of the contract of insurance.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., this 26th day of January 1950.

[SEAL] FRANKLIN D. RICHARDS, *Federal Housing Commissioner.*

[F. R. Doc. 50-901; Filed, Feb. 1, 1950; 8:45 a. m.]

Chapter VIII—Office of Housing Expediter

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

NEW YORK

Correction to the Controlled Housing Rent Regulation and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.

Item 5 of Amendment 212 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12)[1] and of Amendment 210 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92)[1] issued January 24, 1950, and effective January 25, 1950, is corrected to read as follows:

5. Schedule A, Item 211, is amended to describe the counties in the Defense-Rental Area as follows:

Oneida County; and in Herkimer County, the City of Little Falls, the Villages of Middleville and Poland, and the Towns of Danube, Frankfort, German Flats, Herkimer, Little Falls, Manheim, Newport, Schuyler, and Winfield.

[1] 15 F. R. 434.

This decontrols all of Madison County, New York, and all of Herkimer County, New York, except the city, villages and towns named above, all portions of the Utica-Rome, New York, Defense-Rental Area.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This correction shall be effective as of January 25, 1950.

Issued this 30th day of January 1950.

TIGHE E. WOODS, *Housing Expediter.*

[F. R. Doc. 50-915; Filed, Feb. 1, 1950; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 534—MILITARY COURT FEES

MISCELLANEOUS AMENDMENTS

Sections 534.1 and 534.3 (a) (2) are amended to read as follows:

§ 534.1 *Use of term "court."* The term "court" as used in §§ 534.1 to 534.8, will be understood to mean court martial, court of inquiry, military commission, or retiring board. "Military commission" shall be deemed to include any United States tribunal, by whatever name described, convened in the exercise of military government, martial law, or the laws of war.

§ 534.3 *Witnesses* — (a) *Civilians.*

* * *

(2) *Not in Government employ*—(i) *Excluding Alaska and Canal Zone.* A witness attending in any court of the United States or before a United States commissioner or person taking his deposition pursuant to any order of a court of the United States, shall receive $4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 7 cents per mile for going from and returning to his place of residence. Witnesses who are not salaried employees of the Government and who are not in custody and who attend at points so far removed from their respective residence as to prohibit return thereto from day to day shall be entitled to an additional allowance of $5 per day for expenses of subsistence including the time necessarily occupied in going to and returning from the place of attendance: *Provided*, That in lieu of mileage allowance provided for herein, witnesses who are required to travel between the Territories, possessions, or to and from the continental United States, shall be entitled to the actual expenses of travel at the lowest first-class rate available at the time of reservation for passage by means of transportation employed. 28 U. S. C. 1821, as amended by act May 10, 1949 (Pub. Law 59, 81st Cong.).

(ii) *In Alaska and Canal Zone.* (a) In Alaska such witnesses are entitled to the witness fees and mileage prescribed for witnesses before the United States district court in the judicial division in which the trial or hearing is held.

(b) In the Canal Zone such witnesses are entitled to the same witness fees and mileage as are prescribed for witnesses before the United States court in the Canal Zone.

(c) Responsible officers in Alaska and in the Panama Canal Zone will keep informed as to the fees payable in United States courts in those places. In Alaska the fees vary in the different judicial divisions.

(iii) *Computation of mileage.* (a) The mileage prescribed in subdivision (i) of this subparagraph shall be computed by the shortest usually traveled route. Where, however, a witness by using his own automobile so reduces the time required for the round trip as to effect a definite saving in the matter of fees, he may be allowed mileage for the distance actually traveled by automobile provided the excess mileage does not exceed the saving in fees. 11 Comp. Gen. 60.

(b) A civilian witness not in Government employ, when furnished transportation in kind by the Government, is entitled to 7 cents per mile less the cost of transportation furnished.

(c) A civilian witness residing within the jurisdiction of the court, who is subpoenaed and attends the trial in obedience to such subpoena, is entitled to mileage actually traveled by the shortest usually traveled route between his residence and the place of trial, regardless of whether both are in the same city. See MS. Comp. Gen., A 28041, July 30, 1929.

(iv) *Subsistence per diem allowance—(a) When payable.* The subsistence per diem allowance is payable only when the place of trial is so far removed from the place of residence as to prohibit return of the witness thereto from day to day and such fact is properly certified. See 6 Comp. Gen. 835.

(b) *Computation.* In computing the subsistence per diem allowance prescribed in subdivision (i) of this subparagraph, the calendar day beginning at midnight is the unit, and the subsistence per diem allowance accrues from the time it is necessary for the witness to leave his home in order to arrive at the place of trial at the appointed time until the time he could arrive at his home by first available transportation after his discharge from attendance, any fractional part of a day under such computation to be regarded as a day for per diem purposes. See 5 Comp. Gen. 1028, as modified by 6 Comp. Gen. 480 and 6 id. 835.

(v) *Computation of attendance fee.* The provisions of subdivision (iv) (b) of this subparagraph are equally applicable for computation of the attendance for prescribed in subdivision (i) of this subparagraph.

(vi) *Attendance at more than one case on same day.* (a) A person attending as a witness in more than one case on the same day under a general subpoena to appear and testify is entitled to only one per diem (see MS. Comp. Gen. A 96263, July 13, 1938) for each day's attendance, but if separate subpoenas are issued in each case, the defendants being different, the witness is entitled to separate per diem for actual attendance in each case. See 3 Comp. Gen. 531; 7 id. 455; MS Comp. Gen. A 31598, May 7, 1930.

(b) The duplication of fees on account of attendance as a witness in more than one case on the same day does not apply to the 7-cent mileage allowance and does not apply to the per diem of $5 in lieu of subsistence.

* * * * *

[AR 35-3930, Jan. 11, 1950] (R. S. 161, 5 U. S. C. 22; interpret or apply sec. 1, 41 Stat. 791, 10 U. S. C. 1494)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. A.
The Adjutant General.

[F. R. Doc. 50-919; Filed, Feb. 1, 1950; 8:48 a. m.]

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Chapter VII—Department of the Air Force

PART 834—MILITARY COURT FEES

MISCELLANEOUS AMENDMENTS

CROSS REFERENCE: For amendment of regulations with respect to military court fees, see Part 534 of Chapter V, *supra*, which was made applicable to the Department of the Air Force at 13 F. R. 8751.

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TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

JAPAN

In § 127.286 *Japan* (13 F. R. 9176) amend subdivision (i) of paragraph (a) (7) to read as follows:

(i) Dutiable articles (merchandise), except postage stamps not exceeding 5,000 yen in value, in letters and packages prepaid at the letter rate. Letters or letter packages containing stamps must bear the green label, Form 2976 (C 1), and the endorsement "Contains postage stamps" directly below the label. Form 2976-A should be enclosed.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-903; Filed, Feb. 1, 1950; 8:46 a. m.]

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TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

SOAP INDUSTRY

This matter is before the Department pursuant to the act of June 30, 1936 (49 Stat. 2036; 41 U. S. C. 35) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act. The currently effective wage determination for the Soap Industry, which found a prevailing minimum wage of 40 cents an hour, was issued July 28, 1939 (41 CFR 1939 Supp., 202.31). A wage survey of soap and glycerin establishments made by the Bureau of Labor Statistics as of August 1948 shows clearly that the 40-cent rate now in effect no longer reflects the prevailing minimum wage in the industry. This proceeding was initiated for the purpose of considering an amendment to the current determination for the Soap Industry which will reflect the minimum wage now prevailing.

General. Notice of a hearing in this matter was published in the FEDERAL REGISTER (14 F. R. 1802). Copies of the notice and of a press release announcing the hearing were mailed to trade associations, unions, and to individual companies in the industry. In addition, the press release was distributed to newspapers and trade publications.

This notice and release advised interested persons of the time and place at which they could appear and offer testimony: (1) As to what is the prevailing minimum wage in the Soap Industry; (2) as to whether the definition of the Soap Industry should be amended to include synthetic glycerin and synthetic detergents; (3) as to what are the prevailing minimum wages in the manufacture of synthetic glycerin and synthetic detergents; and (4) as to whether there should be included in any amended determination for this industry provision for employment of learners and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number of proportion of such subminimum-rate employees. Copies of the Bureau of Labor Statistics Survey of August 1948 were made available to interested persons upon request.

The hearing was held on May 10, 1949 pursuant to the date scheduled in the notice. Representatives of employees and employers appeared at the hearing to present evidence and testimony, and the record was kept open for a specified period beyond the close of the hearing for receipt of additional data and briefs. Among others present at the hearing were representatives of the United Gas, Coke and Chemical Workers of America, CIO; Independent Soap and Edible Oil Workers Union; the Association of American Soap and Glycerine Producers, Inc.; the Soap and Detergent Manufacturers Association; the National Association of Insecticide and Disinfectant Manufacturers; the Manufacturing Chemists' Association; Proctor and Gamble Company; Fels and Company; and Gillam Soap Works. In addition to the evidence and testimony presented at the hearing, there was filed for the record after the close of the hearing a wage survey made in April 1949 by the Association of American Soap and Glycerine Producers, Inc., and data showing starting rates at the various plants of one of the largest companies in the Soap Industry. The National Association of Insecticide and Disinfectant Manufacturers submitted a

brief stressing the problem of the smaller plants in the industry.

Definition. There was no substantial objection at the hearing to the proposal to include synthetic organic detergents in the definition of the Soap Industry. The evidence adduced at the hearing indicates that the type of synthetic detergent which competes with soap is made from an organic base and is generally packaged in a manner similar to soap and sold in the same stores in competition with soap. The evidence also indicates that the greatest part of the synthetic detergents packaged and marketed in competition with soap are produced by soap companies, that soap manufacturers devote a large part of their facilities to the manufacture of synthetic organic detergents, and that employees in plants manufacturing both synthetic organic detergents and soap are used interchangeably, as are many of the machines. The wage survey of the Bureau of Labor Statistics included employees engaged in the manufacture of synthetic organic detergents in plants primarily manufacturing soap. On the basis of the record I have concluded that manufacture of synthetic organic detergents can for the purpose of these proceedings be considered to be a part of the Soap Industry and should be included within the definition of the industry. The proposal to include synthetic glycerin in the definition of the Soap Industry is not supported by the testimony adduced at the hearing. The record indicates that synthetic glycerin is basically a product of the petroleum industry and is made by a process entirely different from that used in making natural glycerin which is a by-product of soap manufacturing. The evidence clearly indicates that the manufacture of synthetic glycerin is not properly within the scope of the Soap Industry.

Minimum wage. The basic data on minimum wages in the Soap Industry are those contained in the Bureau of Labor statistics survey of August 1948 which was received as evidence at the hearing and was discussed by the various witnesses who testified. The Association of American Soap and Glycerin Producers, Inc., indicated that a wage survey of the industry made by the Association as of April 29, 1949 covering 59 companies employing in excess of 10,000 workers was in substantial agreement with the data shown in the Bureau of Labor Statistics survey. It is clear from all the evidence that no uniform wage patterns are followed generally in the Soap Industry. The evidence shows that starting rates specified by union contracts are not uniform either for the same union or for a company with a number of establishments. For example, minimum starting rates for companies covered by agreements with the United Gas, Coke and Chemical Workers of America, CIO, range from 80 cents to $1.20, while plant starting rates in the various plants of one of the large soap manufacturers range from 70 cents to $1.30.

The Bureau of Labor Statistics survey was limited to plants employing 8 or more workers, and covered 92 out of an estimated 113 such plants in the industry. The 113 plants employ about 14,700 plant workers, or approximately 95 percent of all plant workers employed in the Soap Industry. The Bureau of Labor Statistics wage data are tabulated both for the United States as a whole and by selected regions. The most significant tables are those showing the percentage distribution of straight-time earnings (Exhibit G) and the tables showing estimated distribution of soap and glycerin establishments and workers according to percentage of plant workers at less than specified amounts per hour. (Exhibit H). The summarized data shown by these tables are discussed below.

At the hearing the United Gas, Coke and Chemical Workers of America, CIO, proposed that the rate of $1.15 an hour be found to be the prevailing minimum wage in the Soap Industry. The Independent Soap and Edible Oil Workers Union expressed accord with this proposal to find $1.15 an hour as the prevailing wage in the industry. Several witnesses representing employer associations and individual employers in the industry opposed the proposal to set the $1.15 rate on the ground that it was too high and would therefore be ruinous to small producers. They pointed out that the larger companies in the industry can and do pay higher wages than the smaller companies and that it would be unfair to the smaller manufacturers to impose upon them a wage scale that can be paid, and is paid, only by their larger competitors.

The Gillam Soap Works of Fort Worth, Texas, through its representative recommended that 75 cents an hour be found to be the prevailing minimum wage in the Soap Industry on the ground that this rate would be in line with a 75-cent minimum wage required under the Fair Labor Standards Act. The same company urged that a regional differential be made for the South on the ground that wage rates, cost of living and productivity are lower in the South than in any other region. The record contains no data in support of this contention. Other evidence on this point clearly establishes that on the basis of competitive practices, wage levels and other economic factors, wage differentials on a regional basis are not warranted. A similar proposal made at the time of the initial minimum wage determination in this industry in 1938 was rejected for substantially similar reasons.

As stated previously two Bureau of Labor Statistics tables, (1) The Distribution of all Plant Workers in Soap and Glycerin Establishments by Straight-time Average Hourly Earnings, and (2) the Estimated Distribution of Soap and Glycerin Establishments and Workers According to Percentage of Plant Workers Earning Less than Specified Amounts Per Hour, are of particular significance in determining the prevailing minimum wage. In the first of these tables the wage data are broken down by 5-cent earnings intervals. The table shows that 3.2 percent of plant workers earn straight-time average hourly wages of between 90 and 94.9 cents an hour. Only fractions of one percent of employees in the industry are employed in any of the intervals below the 90.0 to 94.9 interval. On a cumulative percentage basis the table shows that 2.9 percent of the 14,700 plant workers covered by the survey received less than 90 cents an hour, 6.1 percent less than 95 cents an hour, 7.4 percent less than $1.00 an hour, 11 percent less than $1.05 an hour, and 17.9 percent less than $1.15 an hour. It can be seen from the table that the first significant concentration of workers is found in the wage interval between 90.0 to 94.9 cents.

The second of these tables shows that roughly half of the plants covered by the wage survey have no workers below 85 cents an hour and that approximately 87 percent of the plant workers are in plants which have minima at or above 85 cents an hour. Three-fourths of all plant workers are employed in plants in which no workers are earning less than 95 cents an hour.

It appears that the prevailing minimum wage for the industry falls within the range of 90–95 cents. While it might be argued statistically that the mid-point of this class interval, i. e., 92.5 cents, should be selected as the prevailing wage, there are other factors which favor the selection of 95 cents. The Bureau of Labor Statistics table giving the percentage distribution of all plant workers by straight-time hourly earnings shows a strong upward pull toward the next higher class intervals; in other words, in the eight wage intervals from 50 cents to 89.9 cents there are only 2.9 percent of the workers whereas in the two higher intervals from 95 cents to 104.9 cents there are 4.9 percent of the workers, and in the eight wage intervals from 95 cents to 134.9 cents there are 26.3 percent of the workers.

After careful examination of all of the data shown in the wage survey and supplementary evidence and testimony contained in the record, I have concluded that the evidence supports a finding that 95 cents an hour is the prevailing minimum wage in the Soap Industry.

The record indicates no basis for fixing a wage differential for manufacture of potash soap as suggested by the Soap and Detergent Manufacturers Association at the hearing. The evidence shows that potash and soda soaps are commonly produced in the same plant and that there is no distinct class or group of employees who can be designated as potash soap workers.

The evidence in the record provides no support for the proposal made by the Gillam Soap Works that a wage differential be recognized for the Southern area of the United States. As pointed out above, the evidence would support a finding that there are no pronounced economic or competitive differences among soap manufacturers as between the respective regions, and that the industry is nation-wide in scope.

The record does not show any need for subminimum rates for learners or apprentices in the Soap Industry.

Amendment of determination. After consideration of the entire record of this proceeding, the prevailing minimum wage determination for the Soap Industry is hereby amended to read as follows:

§ 202.31 *Soap industry*—(a) *Definition.* The soap industry is defined as that industry which manufactures or supplies soap in bars, cakes, chips, and flakes, and in granulated, sprayed, powdered, paste, and liquid forms, synthetic organic detergents for household or institutional use; glycerin (except synthetic glycerin); and the following products when they contain soap and/or synthetic organic detergents: cleansers, scouring powders, shaving soaps and creams, and washing compounds.

(b) *Minimum wage.* The minimum wage for employees engaged in the performance of contracts with agencies of the United States subject to the provisions of the Walsh-Healey Public Contracts Act for the manufacture or supply of products of the soap industry shall be 95 cents per hour, arrived at either upon a time or piece-work basis.

(c) *Effect on other obligations.* Nothing in this determination shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this determination.

(d) *Effective date.* This determination shall be effective and the minimum wage hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after February 25, 1950.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38. Interpret or apply sec. 1, 49 Stat. 2036; 41 U. S. C. 35)

Dated at Washington, D. C., this 25th day of January 1950.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 50-916; Filed, Feb. 1, 1950; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 6—PATENT REGULATIONS

RIGHTS OF GOVERNMENT AND EMPLOYEES

1. The heading of § 6.2 is amended, and a new paragraph designated as (f) is added to § 6.2 immediately after paragraph (e), the heading and paragraph to read as follows:

§ 6.2 *Rights of Government and employee before January 24, 1950.* * * *

(f) The provisions of this section shall govern the respective rights of the Government and employees to inventions made by employees before January 24, 1950.

2. A new section, designated as § 6.2a and reading as follows, is added to Part 6 immediately after § 6.2:

§ 6.2a *Rights of Government and employee on and after January 24, 1950.* (a) Each employee of the Department of the Interior is required, upon request of the Solicitor, to assign to the United States, as represented by the Secretary of the Interior, the entire right, title, and interest in and to all inventions made by the employee on and after January 24, 1950 (1) during working hours, or (2) with a contribution by the Government of facilities, equipment, materials, funds, or information, or of time or services of other Government employees on official duty, or (3) which bear a direct relation to or are made in consequence of the official duties of the inventor.

(b) In any case where the contribution of the Government, as measured by any one or more of the criteria set forth in paragraph (a) of this section, to an invention made by an employee on or after January 24, 1950, is insufficient equitably to justify a requirement of assignment to the Government of the entire right, title, and interest to such invention, or in any case where the Government has insufficient interest in an invention to obtain the entire right, title, and interest therein (although the Government could obtain some under paragraph (a) of this section), the Solicitor, subject to the approval of the Chairman of the Government Patents Board, shall leave title to such invention in the employee, subject, however, to the reservation to the Government of a nonexclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes, such reservation, in the terms thereof, to appear, where practicable, in any patent, domestic or foreign, which may issue on such invention.

(c) In applying the provisions of paragraphs (a) and (b) of this section to the facts and circumstances relating to the making of any particular invention, it shall be presumed that an invention made by an employee who is employed or assigned (1) to invent or improve or perfect any art, machine, manufacture, or composition of matter, or (2) to conduct or perform research, development work, or both, or (3) to supervise, direct, coordinate, or review Government financed or conducted research, development work, or both, or (4) to act in a liaison capacity among governmental or nongovernmental agencies or individuals engaged in such work, or made by an employee included within any other category of employees specified by regulations issued by the Chairman of the Government Patents Board with the approval of the President, falls within the provisions of paragraph (a) of this section; and it shall be presumed that any invention made by any other employee falls within the provisions of paragraph (b) of this section. Either presumption may be rebutted by the facts or circumstances attendant upon the conditions under which any particular invention is made and, notwithstanding the foregoing, shall not preclude a determination that the invention falls within the provisions of paragraph (d) of this section.

(d) If an employee is not requested to assign the entire right, title, and interest in and to an invention under paragraph (a) of this section, and if the Government does not reserve a non-exclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes under paragraph (b) of this section, the entire right, title, and interest in and to the invention shall remain in the employee, subject to law.

3. Paragraph (a) of § 6.8 is amended to read as follows:

§ 6.8 *Action by Solicitor.* (a) If an employee inventor requests, pursuant to paragraph (b) of § 6.4, that such a determination be made, the Solicitor shall determine the respective rights of the employee and of the Government in the invention. If the employee is dissatisfied with a determination made by the Solicitor in respect to an invention made on or after January 24, 1950, the employee may submit the matter to the Chairman of the Government Patents Board.

(E. O. 10096, 15 F. R. 389.)

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

JANUARY 27, 1950.

[F. R. Doc. 50-899; Filed, Feb. 1, 1950; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

NEWMAN GROVE SALE CO.

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Newman Grove Sale Company, Newman Grove, Nebraska, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit within 15 days of the publication of this notice any data, views or argument, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 27th day of January 1950.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 50-929; Filed, Feb. 1, 1950; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 61]

MINIMA FOR ALTERNATE AIRPORTS EQUIPPED WITH ILS OR GCA

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment of Part 61 as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received no later than March 20, 1950, will be considered by the Board before taking further action on the proposed rule.

Current provisions of Part 61 with respect to ceiling and visibility minimums were established prior to the time of full development, installaton, and use of ILS and GCA, and, therefore, in so far as alternate airports are concerned, they do not in any way recognize the additional contribution to air safety afforded by these systems.

We are advised that in some instances where all the en route destination airports may have the required ILS or GCA minima it is difficult to locate a convenient alternate airport with ceiling and visibility which conform to the requirements of Part 61. It is our opinion that an amendment which would reduce ceiling minima by 200 feet for alternate airports for scheduled air carriers in the United States, where such airports have radio range, and ILS or GCA systems, would not adversely affect air safety. It will be noted that we propose no change in the visibility minima.

It is therefore proposed to amend Part 61 as follows:

By amending § 61.204 by adding a new paragraph (a) (4) to read as follows:

§ 61.204 *Types of alternate airports.*

(a) * * *

(4) The ceilings referred to in subparagraphs (1), (2), and (3) of this paragraph, when the alternate is equipped with a radio range and either an approved instrument landing system or an approved ground control approach system, may be reduced 200 feet.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a), 52 Stat. 987, 49 U. S. C. 425 (a). Interpret or apply secs. 601 through 610, 52 Stat. 1007 through 1012, 49 U. S. C. 551 through 560)

Dated: January 30, 1950, at Washington, D. C.

By the Bureau of Safety Regulations.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 50-930; Filed, Feb. 1, 1950; 8:51 a. m.

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52394]

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN DECISIONS

Pursuant to the order of the Secretary of the Treasury published as T. D. 52121 (14 F. R. 123, 227), the order of the Commissioner of Customs designating the officers of the Bureau of Customs who shall make certain decisions, approved by the Secretary of the Treasury on October 19, 1949, and published as T. D. 52331 (14 F. R. 6534), is hereby amended as follows:

1. Paragraph (a) is amended by adding new subparagraphs (5), (6), (7), and (8) reading as follows:

(5) Decisions relating to the establishment and operation of bonded warehouses.

(6) Decisions approving blanket smelting bonds, general term bonds for the entry of merchandise, and proprietors' warehouse bonds, class 6.

(7) Decisions establishing or denying, or relating to the establishment or denial of, drawback rates and decisions in collateral drawback matters.

(8) Decisions, other than those enumerated in subparagraphs (1) to (7), inclusive, in matters arising under provisions of law administered in the Division of Drawbacks, Enforcement, and Quotas.

2. Paragraph (b) is amended by adding new subparagraphs (8) and (9), reading as follows:

(8) Decisions relating to the assessment and collection of duties on equipment or repairs of vessels or aircraft under section 466 of the Tariff Act of 1930, and decisions remitting or refunding such duties.

(9) Decisions, other than those enumerated in subparagraphs (1) to (8), inclusive, in matters arising under provisions of law administered in the Division of Classification, Entry, and Value.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: January 26, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-917; Filed, Feb. 1, 1950; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION NO. 20

JANUARY 26, 1950.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, and Departmental Order No. 2325 of May 24, 1947 (43 CFR 4.275 (b) (3), 12 F. R. 3566), and pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights, the following described lands in the Fairbanks, Alaska, land district, embracing 287.49 acres, are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, for home and cabin sites:

T. 1 S., R. 1 W., Fairbanks Meridian.
Sec. 17: S½NW¼ and N½SW¼.
Sec. 19: Lot 4 and E½SW¼.
Sec. 30: Lot 2.

The land above described in sec. 17 is included in homestead entry of Lyle R. Warning, Fairbanks 05031, and that in secs. 19 and 30 is included in homestead entry of Charles J. Soper, Fairbanks 05945.

This order shall not become effective to change the status of such land or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, except upon the failure of the pending homestead entries mentioned above. In the event of the failure of said entries, the lands will then become available for filing under the small tract act, after due notice to be given by publication, subject to the preference right of veterans of World War II, accorded by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. sec. 279), and other qualified persons entitled to credit for service under the said act.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50-907; Filed, Feb. 1, 1950; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 72]

DISTRIBUIDORA EXCLUSIVA, S. A., ET AL.

ORDER SUSPENDING LICENSE PRIVILEGES

In the matter of Distribuidora Exclusiva, S. A., Alexander H. Danon, Mesones

56, Mexico D. F., Mexico; Leoncio Fernandez, S. de R. L., Leoncio Fernandez, Jr., 2201 Victoria Street, Laredo, Texas.

This proceeding was instituted on June 28, 1949 by the transmission of a charging letter to the above-named respondents wherein the Office of International Trade charged respondents, together with certain others, with having violated the provisions of the Export Control Act of 1949 (Pub. Law 11, 81st Cong.) and section 6 of the act of July 2, 1940 (54 Stat. 714), as amended, and the regulations promulgated thereunder, by attempting or participating in the attempt to export, between February 8, 1949, and April 5, 1949, between 500 and 650 tons of carbon black from the United States to Belgium or Holland, or both, through Mexico, without having obtained or holding a validated export license therefor, but under the false representations and declarations that such shipments were being made to an ultimate consignee in Mexico and to Mexico as the country of ultimate destination and so were permissible and were being made under general license.

Copies of said charging letter were duly transmitted to each of the respondents and each was notified that an opportunity would be afforded for an oral hearing if desired. All of said respondents, however, through their respective counsel, waived such oral hearing. Respondents Distribuidora Exclusiva, S. A., and Alexander H. Danon, through their counsel, filed an answer denying the charges and further denying the jurisdiction of the Office of International Trade over them. Respondents Leoncio Fernandez, S. de R. L., and Leoncio Fernandez, Jr., through their counsel, appeared before the Compliance Commissioner for the Office of International Trade, and, with the approval of counsel for the Office of International Trade, substantially admitted the charges and made a proposal for the entry of an order against them suspending their export license privileges for a period of ninety days provided that enforcement thereof be held in abeyance upon certain terms and conditions.

The Office of International Trade has submitted to the Compliance Commissioner for his examination the investigation reports, statements of prospective witnesses, documents employed in the transactions involved, and other pertinent evidence. The Compliance Commissioner has reviewed all such material together with the answer filed on behalf of respondents Distribuidora Exclusiva, S. A., and Alexander H. Danon and the proposal made on behalf of respondents Leoncio Fernandez, S. de R. L., and Leoncio Fernandez, Jr. On the basis of such review, the Compliance Commissioner has, under date of January 20, 1950, duly filed his report.

It appears from the record and the report of the Compliance Commissioner that respondent Distribuidora Exclusiva, S. A., is a Mexican corporation engaged in foreign trade with its principal place of business at Mexico City; that respondent Alexander H. Danon is the responsible officer of said corporation and acted for it, or in his own behalf, in the transactions herein involved; that respondent Leoncio Fernandez, S. de R. L., is a Mexican firm in the nature of a limited partnership with its principal place of business at Mexico City and is engaged in the freight forwarding business at various places in Mexico and at Laredo, Texas; and that respondent Leoncio Fernandez, Jr., is general manager of said firm and acted for it in the transactions herein involved.

It further appears from the record and the report of the Compliance Commissioner that respondents entered into an arrangement in February 1949, with a certain New York exporter (whose export license privileges have heretofore been suspended), pursuant to which (1) Danon agreed to, and did in fact, procure in the United States with funds advanced by the New York exporter, cause to be exported to Mexico, and deliver to such New York exporter in Mexico for known transshipment to the latter's customers in Belgium and Holland, approximately 650 tons of carbon black; (2) Danon, upon purchasing such material in the United States, instructed and caused his suppliers to prepare and transmit, for submission to United States Customs, shipper's export declarations describing such material as being exported to himself in Mexico City; (3) Fernandez, acting as the authorized agent of Danon, took possession of such carbon black at Laredo, Texas, caused it to be transferred to new railroad cars, and prepared and submitted to United States Customs at Laredo, Texas, new export declarations in lieu of those furnished by the suppliers, such new declarations describing Fernandez as exporter, Danon as the ultimate consignee in Mexico City, and Mexico as the country of ultimate destination, and certifying that such shipment was being made under general license; (4) said commodity was thus exported upon the basis of said declarations and under the pretended authority of general license by respondents from the United States to Mexico and was there diverted from the stated destination of Mexico City and was entered "in transit" and transported under bond to the Mexican port of Tampico where it was delivered, through the agency of Fernandez, by Danon to the New York exporter; and (5) thereafter said carbon black was exported from Mexico by said New York exporter, although under bills of lading naming Danon as both consignor and consignee, on a vessel bound for Holland (but, upon the docking of the vessel at Houston, Texas, en route to Holland, said cargo of carbon black was seized and impounded by United States Customs).

It thus appears from the record and the report of the Compliance Commissioner that respondents, having actual knowledge that the ultimate destinations of such carbon black were Belgium and Holland and not Mexico, knowingly made false representations and certifications to United States Customs officials and, through them, to the Office of International Trade; that such false representations and certifications were made for the purpose and with the effect of procuring exportation of such commodity under the pretended authority of the general license applicable to shipments of carbon black to Mexico and without the validated license required for exportations of said commodity to ultimate destinations in Holland or Belgium; that in fact neither respondents, the New York exporter, nor any other person had obtained or then held a validated license for such exportation; and that respondents, in making such false representations, certifications and exportations, acted in collusion with and for the purpose of aiding and permitting such New York exporter to effect such unlicensed and illegal exportation.

It further appears from the record and the report of the Compliance Commissioner that, respondents having thus violated the laws and regulations relating to export control and demonstrated their lack of trustworthiness in the exercise of export license privileges, some appropriate suspension of such privileges is warranted; that Danon, having been the principal collaborator with the American exporter and having functioned as exporter from the United States and importer in Mexico, is the more serious offender; and that Fernandez, having served only as a forwarding agent acting under orders, is less culpable.

The Compliance Commissioner has accordingly recommended that respondents Danon and Distribuidora Exclusiva, S. A., be denied, for a period of six months from the date of such order as may be issued, the privilege of participating directly or indirectly, either as consignor, consignee, forwarder or otherwise in any capacity as a party in the obtaining or using of export licenses, or in making shipments under export licenses, such suspension to be applicable to all commodities included on the Positive List as promulgated by the Office of International Trade, as such Positive List may be constituted from time to time, regardless of whether such commodities are exportable under general license or require validated licenses; that, in accordance with the terms of the proposal made by counsel for respondents Fernandez and Leoncio Fernandez, S. de R. L., and approved by counsel for the Office of International Trade, said last mentioned respondents be denied, for a period of ninety days from the date of such order as may be issued, the privilege of participating directly or indirectly, either as consignor, consignee, forwarder or otherwise in any capacity as a party in the obtaining or using of export licenses, or in making shipments under export licenses, such suspension to be applicable to all commodities included on the Positive List as promulgated by the Office of International Trade, as such Positive List may be constituted from time to time, regardless of whether such commodities are exportable under general license or require validated licenses: *Provided, however,* That such suspension be held in abeyance and enforcement thereof withheld on the conditions (1) that said respondents, for a period of ninety days following the date of such order as may be issued, submit to the Director of the Enforcement Staff, Office of International Trade, copies of all export declarations filed by either of them

with United States Customs at Laredo, Texas, covering Positive List commodities exported from the United States, such copies to be submitted within ten days after the close of each 30-day period following the date of such order, and (2) that said respondents commit no further violation of export control regulations during the period of one year from the date of such order; and that such denial of export license privileges extend not only to the above-named respondents but also to any person, trade name, firm, corporation or other business association with which they or any of them may be now or hereafter related by ownership, control or otherwise in the conduct of export trade.

The findings and recommendations of the Compliance Commissioner have been carefully considered together with the record in this matter and it appears that such findings are supported by the record and that such recommendations are fair and reasonable and should be adopted. Now, therefore, it is ordered as follows:

(1) Respondents Alexander H. Danon and Distribuidora Exclusiva, S. A., are hereby denied, for a period of six months from the date of this order, the privilege of participating directly or indirectly, either as consignor, consignee, forwarder or otherwise in any capacity as a party in the obtaining or using of export licenses, or in making shipments under export licenses, such suspension to be applicable to all commodities included on the Positive List as promulgated by the Office of International Trade, as such Positive List may be constituted from time to time, regardless of whether such commodities are exportable under general license or require validated licenses.

(2) Respondents Leoncio Fernandez, Jr., and Leoncio Fernandez, S. de R. L., are hereby denied, for a period of ninety days from the date of this order the privilege of participating directly or indirectly, either as consignor, consignee, forwarder or otherwise in any capacity as a party in the obtaining or using of export licenses, or in making shipments under export licenses, such suspension to be applicable to all commodities included on the Positive List as promulgated by the Office of International Trade, as such Positive List may be constituted from time to time, regardless of whether such commodities are exportable under general license or require validated licenses: *Provided, however,* That such suspension be held in abeyance and enforcement thereof withheld on the conditions (1) that said respondents, for a period of ninety days following the date of this order, submit to the Director of the Enforcement Staff, Office of International Trade, copies of all export declarations filed by either of them with United States Customs at Laredo, Texas, covering Positive List commodities exported from the United States, such copies to be submitted within ten days after the close of each 30-day period following the date of this order, and (2) that said respondents commit no further violation of export control regulations during the period of one year from the date of this order.

(3) Respondents are hereby severally declared to be ineligible to be a party to any licensed exportations during the periods of suspension applicable respectively to them and, during such periods, the Office of International Trade shall issue no export license and no Collector of Customs shall authenticate any shipper's export declarations, and no exportation shall be made or permitted, in which said respondents appear or participate as consignor, consignee, forwarder or otherwise in any capacity as a party to the exportation of any such Positive List commodity: *Provided, however,* That such prohibitions shall not be applicable to respondents Leoncio Fernandez, Jr., and Leoncio Fernandez, S. de R. L., if and while the conditions specified in paragraph (2) above are observed and the suspension is accordingly held in abeyance as to them.

(4) Such denial of export license privileges shall extend not only to the above-named respondents but also to any person, trade name, firm, corporation or other business association with which they or any of them may be now or hereafter related by ownership, control or otherwise in the conduct of export trade.

Dated: January 26, 1950.

JAMES C. FOSTER,
Director,
Commodities Division.

[F. R. Doc. 50-914; Filed, Feb. 1, 1950; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1316]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

JANUARY 27, 1950.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation with address at Shreveport, Louisiana, and Texas Gas Transmission Corporation (Texas Gas), a Delaware corporation with address at Owensboro, Kentucky (Joint Applicants) filed on January 16, 1950, a joint application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing an interchange between the Joint Applicants of an amount up to 10,000 Mcf of natural gas per day through facilities previously authorized to be constructed. The interchange of natural gas would be accomplished in part by a delivery of natural gas by Texas Eastern to the Horseshoe System of Indiana Gas and Water Company Incorporated (Indiana Gas) for the account of Texas Gas at the Seymour, Indiana, connection, and in part by a delivery to Texas Gas at the Mitchell, Indiana, connection for redelivery to Indiana Gas and Water. Texas Gas has heretofore been authorized to sell and deliver natural gas to Indiana Gas. A return would be made by Texas Gas of an equivalent amount of the natural gas so delivered by Texas Eastern at a point of connection heretofore authorized between the Joint Applicants near Middletown, Ohio.

Texas Gas was authorized to construct the Mitchell, Indiana, connection in Docket No. G-1086 for the temporary delivery of natural gas by Texas Eastern to Texas Gas for redelivery to Indiana Gas. At that time the deliveries herein proposed by Applicants were contemplated but could not be made until completion of facilities by Texas Gas to connect with Texas Eastern at Middletown. The Joint Applicants have since the date of the order in Docket No. G-1086, executed a contract for the interchange of natural gas to provide for the delivery of gas in the manner specified in a letter agreement included in Docket No. G-1086.

The Joint Applicants state that the authority requested in this Docket will not affect other service rendered by them nor will not affect existing rates.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publicaiton hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-902; Filed, Feb. 1, 1950; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Delegations of authority to Field Office Directors are amended, effective January 12, 1950, by adding the following subparagraph to Section III, Paragraph b 7:

(f) To approve Development Programs.

Approved: January 25, 1950.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 50-920; Filed, Feb. 1, 1950; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 24328]

BRASS OR COPPER ARTICLES IN CENTRAL TERRITORY

APPLICATION FOR RELIEF

JANUARY 30, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: B. T. Jones, Agent, pursuant to fourth-section order No. 9800.

Commodities involved: Brass, bronze or copper articles, carloads.

From: Port Huron, Mich.

To: Points in central territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-908; Filed, Feb. 1, 1950; 8:46 a. m.]

[4th Sec. Application 24829]

ALL FREIGHT FROM CHICAGO, ILL., TO SOUTH

APPLICATION FOR RELIEF

JANUARY 30, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent R. G. Raasch's tariff I. C. C. No. 639.

Commodities involved: Merchandise, mixed carloads.

From: Chicago, Ill.

To: Birmingham, Ala., Jacksonville and South Jacksonville, Fla.

Grounds for relief: Circuitous routes and competition with motor carriers.

Schedules filed containing proposed rates: R. G. Raasch's tariff I. C. C. No. 639, Supplement 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-909; Filed, Feb. 1, 1950; 8:46 a. m.]

[4th Sec. Application 24830]

PHOSPHATE ROCK FROM FLORIDA TO OKLAHOMA

APPLICATION FOR RELIEF

JANUARY 30, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3708.

Commodities involved: Phosphate rock, carloads.

From: Points in Florida.

To: Muskogee and Okmulgee, Okla.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3708, Supplement 230.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-910; Filed, Feb. 1, 1950; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2294]

APPALACHIAN ELECTRIC POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of January A. D. 1950.

Notice is hereby given that American Gas and Electric Company ("American Gas"), a registered holding company, and its electric utility subsidiary, Appalachian Electric Power Company ("Appalachian"), have filed a joint application-declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 6, 7, 10, and 12 thereof, and Rules U-42, U-43, U-44, and U-62 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Appalachian presently has authorized 500,000 shares of cumulative preferred stock of the par value of $100, and 6,000,000 shares of common stock of no par value, and has outstanding 372,000 shares of the cumulative preferred stock and 6,000,000 shares of the common stock, all of which latter stock is owned by American Gas. The preferred stock has one vote per share and the common stock one-tenth vote per share.

Appalachian proposes to amend its Articles of Association so as (1) to increase its authorized cumulative preferred stock to 700,000 shares, (2) to authorize 10,000,000 shares of a new class of common stock with no par value and having one vote per share, and (3) to provide to the holders of shares of the cumulative preferred stock the right to elect the smallest number of directors necessary to constitute a majority of the full board of directors of the company if and when dividends payable on the preferred stock shall be in default in an amount equivalent to four full quarterly dividends. Appalachian's charter presently provides that upon four quarterly defaults in dividends on the preferred stock that stock as a class may elect two additional directors to the board of directors and that upon twelve such quarterly defaults the preferred stock as a class may elect a majority of the board of directors.

American Gas proposes to purchase from Appalachian 6,500,000 shares of the new common stock for a cash consideration of $3,000,000 and the cancellation of open account advances made by American Gas to Appalachian during the year 1949 in the amount of $15,000,000 (Holding Company Act Release No. 9490). In addition, American Gas will surrender the 6,000,000 shares of Appalachian's common stock presently owned by it in exchange for 600,000 shares of the new common stock.

Under the existing voting rights the common stock of Appalachian has 61.73% of the vote and the preferred stock 38.27%. As a result of the proposed amendments and the issuance and sale of additional common stock, the common stock will have in excess of 95% of the vote. The stated purpose of the proposed issuance of new stock and consequent reclassification of voting power is to enable Appalachian to consolidate with American Gas and certain of the latter company's subsidiaries in filing consolidated income tax returns under the Internal Revenue Code, as amended. The application-declaration states that had such consolidation been permitted for the entire fiscal year 1948, Appalachian would have effected a saving of $66,000 in Federal income taxes. The proposal lessening the number of quarterly dividend defaults necessary to allow the preferred stock to elect a majority of the board of directors is designed to strengthen the protection afforded that class of stock.

The proposed amendments require the consent of two-thirds of each class of the outstanding stock of Appalachian. Appalachian proposes to submit proxy material to its stockholders in the form attached to the application-declaration and does not propose to employ any outside agency for the solicitation of proxies.

Applicants-declarants request that the Commission's order herein issue as promptly as practicable and that such order become effective forthwith upon its issuance.

Notice is further given that any interested person may, not later than February 7, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 7, 1950, said application-declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to the application-declaration which is on file in the offices of the Commission for a full statement of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-905; Filed, Feb. 1, 1950; 8:47 a. m.]

[File No. 70-2303]

ATTLEBORO STEAM AND ELECTRIC CO. ET AL.

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of January A. D. 1950.

In the matter of Attleboro Steam and Electric Company, Central Massachusetts Electric Company, Worcester Suburban Electric Company, New England Power Company, Worcester County Electric Company; File No. 70-2303.

Attleboro Steam and Electric Company ("Attleboro"), Central Massachusetts Electric Company ("Central"), Worcester Suburban Electric Company ("Worcester Suburban"), New England Power Company ("NEPCO") and Worcester County Electric Company ("Worcester County"), all subsidiaries of New England Electric System ("NEES"), a registered holding company, having filed separate applications pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, with respect to the following proposed transactions:

Attleboro, Central, Worcester Suburban, NEPCO, and Worcester County propose to issue, from time to time but not later than June 30, 1950, additional unsecured promissory notes, due May 31, 1951. Applicant's notes are to be issued pursuant to bank loan agreements dated April 30, 1948, and modified on January 27, 1948, and October 20, 1949 (as described in Holding Company Act Release Nos. 8253 and 9527), and the amount of such notes outstanding and proposed to be issued together with total notes to be outstanding are shown in the following table:

Name	Outstanding at Dec. 31, 1949	Proposed to be issued for period ending June 30, 1950	Estimated total to be outstanding at June 30, 1950
Attleboro	$280,000	$100,000	$380,000
Central	900,000	100,000	1,000,000
Worcester Suburban	1,950,000	100,000	2,050,000
NEPCO	3,500,000	7,800,000	7,800,000
Worcester County	3,250,000	3,250,000	.....
Total	9,880,000	11,350,000	11,230,000

The applicant companies have agreed to reduce the amount of bank notes outstanding to the extent of any permanent financing, except indebtedness to NEES, and to reduce the amount of bank notes authorized by this Commission but not issued prior to such financing to the extent of the excess of such financing over the amount of notes then outstanding.

The applications state that the companies proposing to issue additional unsecured promissory notes will use the proceeds therefrom to replenish any depletion of working capital occasioned by the construction of property already in progress and to finance proposed construction through June 30, 1950.

Incidental services in connection with the notes proposed to be issued will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof. The amount of such expenses to be incurred by each applicant company in connection with the issuance of the additional unsecured promissory notes is estimated to be $75 each, or an aggregate of $375.

The Department of Public Utilities of the Commonwealth of Massachusetts has approved the proposed issue of notes by Attleboro, Central, Worcester Suburban, NEPCO and Worcester County. The Public Service Commission of the State of New Hampshire and the Vermont Public Service Commission have approved the notes proposed to be issued by NEPCO.

The applicants request that the Commission's order herein be effective upon issuance.

Said applications having been filed on January 10, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said applications within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said applications that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said applications be granted forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said applications be, and hereby are, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-906; Filed, Feb. 1, 1950; 8:47 a. m.]

[File No. 812-611]

MUTUAL TRUST AND INVESTORS FUND, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of January A. D. 1950.

Notice is hereby given that Mutual Trust ("Mutual"), an unincorporated common law trust which is an open-end diversified management investment company registered under the Investment Company Act of 1940 ("act"), located in Kansas City, Missouri, and Investors Fund, Incorporated ("Investors"), a Missouri corporation, also located at Kansas City, Missouri, which is the underwriter for shares of Mutual and the sponsor-depositor of three unit investment trusts registered under the act and known respectively as Investors Fund Series "A" Trust, Investors Fund Series "B" Trust, and Investors Fund Series "C" Trust (hereinafter referred to separately as "Series A", "Series B" and "Series C" Trusts and collectively as the "Unit Trusts"), have filed an application pursuant to section 6 (c) of the act for an order exempting Mutual from the provisions of section 18 (d) of the act and approval pursuant to section 11 (a) of the act of certain transactions described below. Mutual proposes to offer certificate holders of the three Unit Trusts the right to exchange their investments for shares of Mutual at the net asset values of the respective securities on the dates of exchange, less a charge of 1% of the net asset value of the certificates exchanged, thereby affording a great majority of the Unit Trust certificate holders who accept the exchange, and desire to liquidate their certificates, a method of doing so at a cost materially less than the 4.14% of market value which it presently costs to liquidate certificates directly.

Mutual, as of November 30, 1949, had aggregate net assets of $267,944.53, evidenced by outstanding shares on which the sales load was 8% of the public offering price or approximately 8.7% of the net asset value. The net assets of the Unit Trusts on that date were $2,536,160.76, represented by the outstanding certificates of the three series. None of the certificates of the Unit Trusts are being currently offered to the public, although periodic payments currently are being made to Investors by certain certificate holders who have not completed monthly payments required under the terms of their certificates.

Investors desire to increase the size of Mutual since it, as the underwriter, has been unable because of the present

size of Mutual to wholesale the shares to dealers. For an indefinite period of time Mutual proposes to offer its shares to certificate holders of the three Unit Trusts on the basis of relative net asset values, to be concurrently computed in an identical manner at the time of exchange, less a charge of 1% of the net asset value of the certificates exchanged. The 1% charge is to be paid to Investors to partially reimburse it for expenses assumed incident to the exchange. Those certificate holders exchanging monthly payment certificates on which payments are being currently made and whose payments are not in default are to be given the right to purchase additional shares of Mutual, after the date of exchange, at a reduced sales load of 1% up to the amount of the unpaid balances due on the certificates.

The exchange offer will in no way affect those certificate holders of Investors who do not desire to make the exchange and certificate holders will continue to have the right to liquidate their certificates in the usual manner at any time according to the terms of the Trusts.

Under the provisions of section 11 (a) of the act, it is unlawful for a registered open-end investment company to make an offer of exchange to a holder of a security of such company or of any other open-end investment company on any basis other than the relative net asset value of the respective securities to be exchanged, unless the terms of the offer have been first submitted and are approved by the Commission. Section 11 (c) of the act makes section 11 (a) applicable "irrespective of the basis of exchange" to any offer of exchange of any security of a registered open-end company for a security of a registered unit investment trust. Under section 18 (d) of the act, it is unlawful for a registered management company to issue any right to subscribe to or purchase a security of which such company is the issuer where the right to subscribe expires later than 120 days after the issuance.

All interested parties are referred to said application which is on file in the Washington, D. C., offices of the Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after February 8, 1950, unless a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than February 6, 1950, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request in writing that the Commission order a hearing to be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-904; Filed, Feb. 1, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 541]

LIBRAIRIE HENRI DIDIER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Marcel Didier, d/b/a Librairie Henri Didier, 4 et 6 rue la Sorbonne, Paris 5e, France; Claim No. 41883; December 23, 1949 (14 F. R. 7700); $2,189.32 in the Treasury of the United States. Property to the extent owned by the claimant immediately prior to the vesting thereof by Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944, 9 F. R. 13768, Nov. 17, 1944), relating to literary works listed in Exhibit A of said vesting order as being owned by Librairie Henri Didier.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-922; Filed, Feb. 1, 1950; 8:49 a. m.]

[Return Order 543]

ISTVAN RUDO

Having considered the claims set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Istvan Rudo, New York, N. Y.; Claim Nos. 26555 and 32216 (consolidated); December 23, 1949 (14 F. R. 7700); property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to United States Letters Patent Nos. 2,168,385 and 2,255,608. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-923; Filed, Feb. 1, 1950; 8:49 a. m.]

NEDERLANDSE CHEMISCHE VERENIGING

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Nederlandse Chemische Vereniging, Lange Voorhout 5, 's-Gravenhage, The Nederlands; Claim No. 41794; property to the extent owned by claimant immediately prior to the vesting thereof described in Vesting Order Nos. 500A-5 (11 F. R. 959, Jan. 25, 1946), 500A-13 (11 F. R. 1235, Feb. 1, 1946), 500A-27 (11 F. R. 691, Jan. 25, 1946) and 500A-42 (11 F. R. 1235, Feb. 1, 1946) relating to the scientific periodical entitled "Recueil des Travaux Chimiques du Pays-Bas" (listed in Exhibit A of said vesting orders).

Executed at Washington, D. C., on January 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-926; Filed, Feb. 1, 1950; 8:50 a. m.]